

Boise Police Department

Office of Internal Affairs



Annual Statistical Report
January 1, 2016 – December 31, 2016

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.

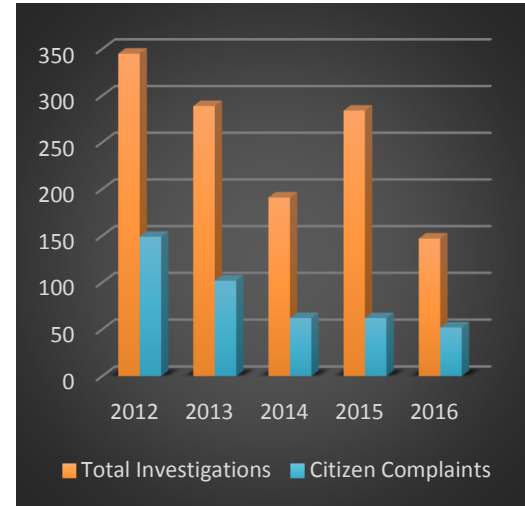
OIA also classifies some citizen concerns as *citizen inquiries*. In a citizen inquiry a citizen has raised a question or complaint regarding department policy or procedure, rather than an allegation of misconduct.

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

| | 2012 | 2013 | 2014 | 2015 | 2016 |
|--|------------|------------|------------|------------|------------|
| Citizen Complaints - Class I | 29 | 23 | 22 | 26 | 20*** |
| Citizen Complaints - Class II | 120 | 79 | 40 | 36 | 32 |
| Citizen Inquiries- includes OPO referral inquiries | 163 | 132 | 86 | 79 | 49 |
| Departmentally Initiated - Class I | 8 | 10 | 10 | 87* | 23* |
| Departmentally Initiated - Class II | 25 | 45 | 33 | 56 | 23** |
| Total Investigations | 345 | 289 | 191 | 284 | 147 |

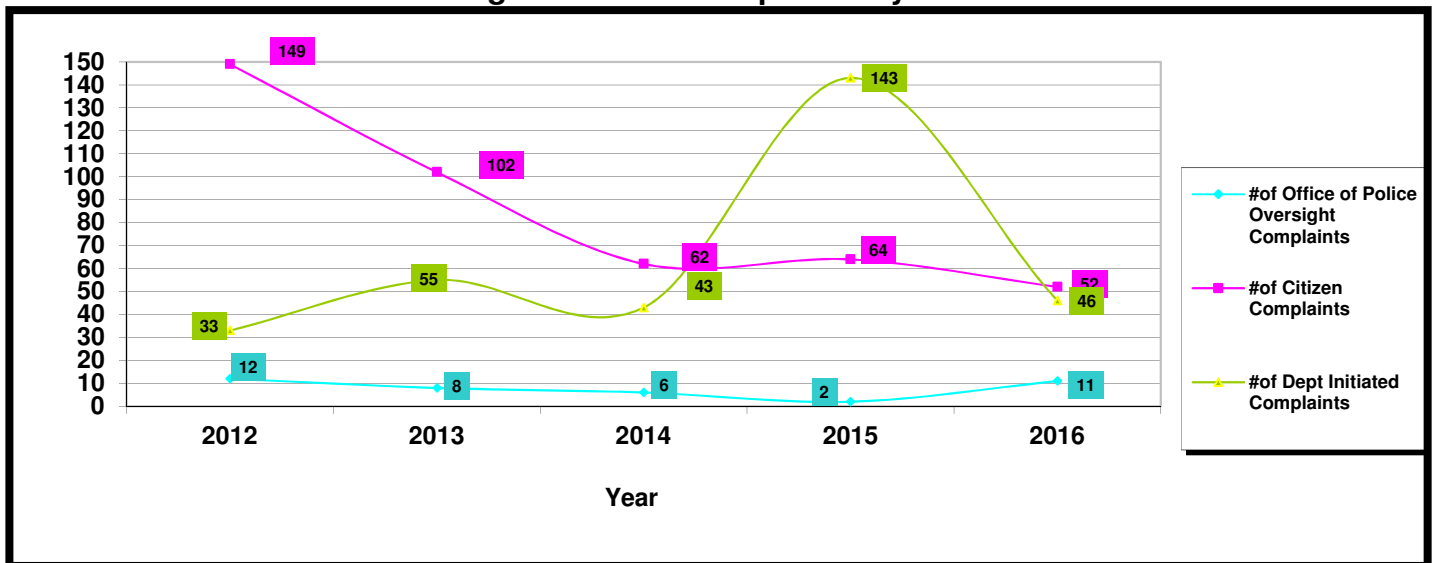


*The decrease in Department-Initiated class I complaints in 2016, is the result of an internal audit of time records conducted in the previous year.

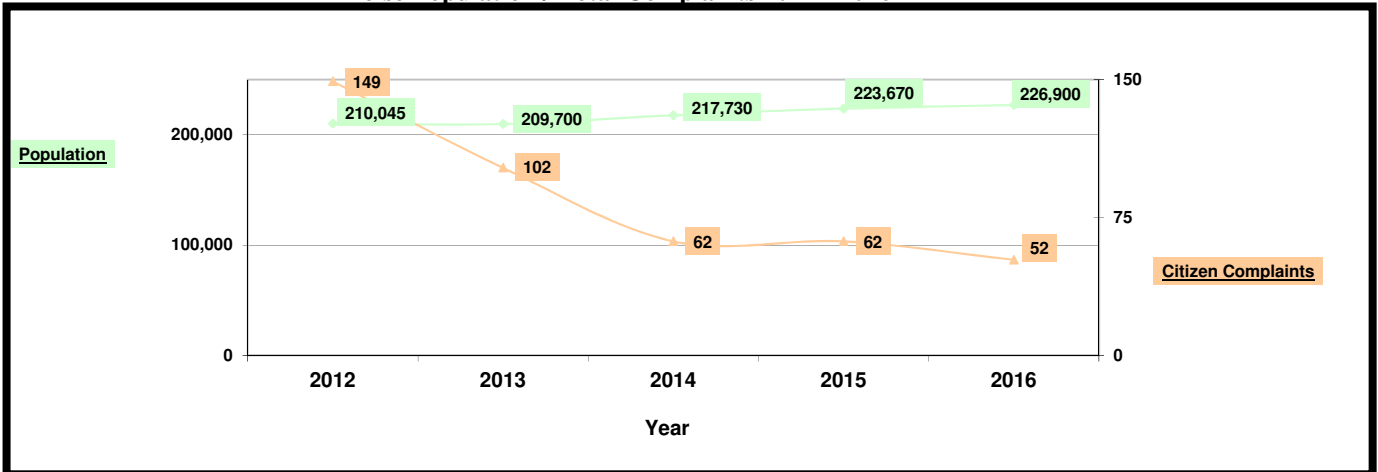
**The decrease in Department-Initiated class II complaints in 2016, is partially due to Failure to Tape Record violations.

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

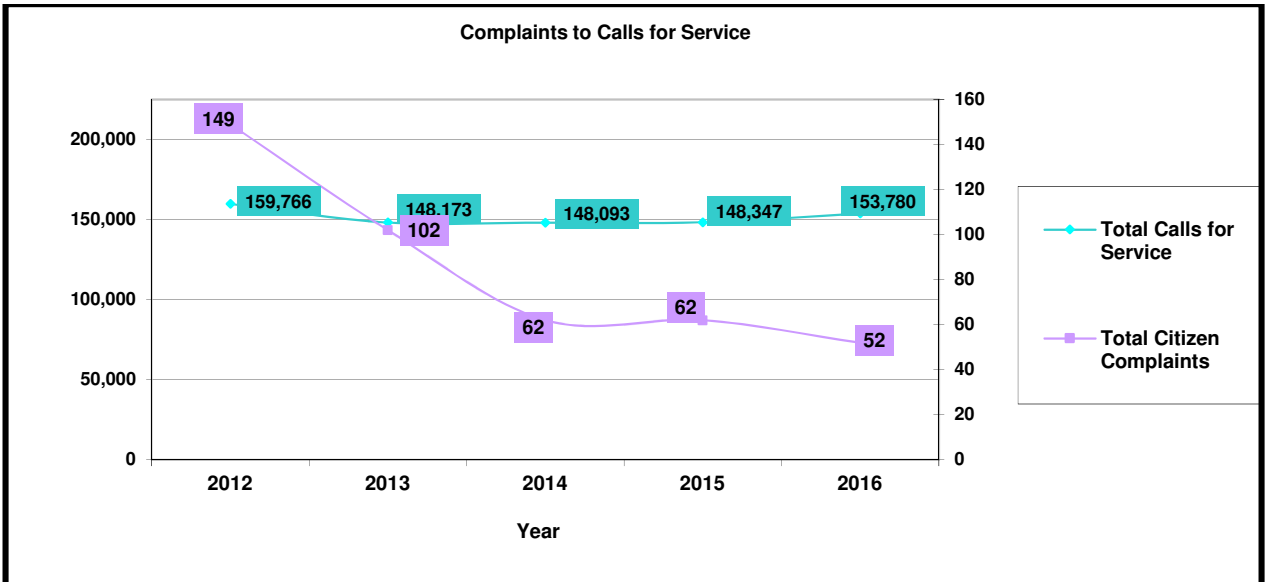
BPD Citizen/Department Initiated Complaints (includes) Office of Police Oversight's Citizen Complaints by Year



Boise Population / Total Complaints 2012 - 2016



Complaints to Calls for Service



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 | 2 | 0 | 3 | 0 |
| Constitutional Rights Violation | 3 | 0 | 0 | 0 |
| Criminal Conduct | 0 | 0 | 0 | 0 |
| Demeanor / Rudeness | 0 | 14 | 0 | 5 |
| Driving Violations | 0 | 4 | 0 | 2 |
| Duty Performance | 4 | 14 | 19 | 8 |
| Use of Force | 11 | 0 | 1 | 0 |
| Failure to Tape Record | 0 | 0 | 0 | 4 |
| Workplace Harassment | 0 | 0 | 0 | 0 |
| Total | 20 | 32 | 23 | 19 |

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 2016 cases.

Findings from Allegations During 2016

| | Citizen Class I Complaints | Citizen Class II Complaints | Dept. Initiated Class I Complaints | Dept. Initiated Class II Complaints |
|---------------|----------------------------|-----------------------------|------------------------------------|-------------------------------------|
| Exonerated | 7 | 10 | 1 | 0 |
| Not Sustained | 2 | 2 | 3 | 1 |
| Sustained | 2 | 6 | 20 | 17 |
| Unfounded | 22 | 22 | 2 | 0 |
| No Finding | 6 | 0 | 0 | 1 |
| Total | 39 | 40 | 26 | 19 |

Distribution of Sustained Findings During 2016

| | Citizen Class I Complaints | Citizen Class II Complaints | Dept. Init. Class I Complaints | Dept. Init. Class II Complaints |
|---------------------------------|----------------------------|-----------------------------|--------------------------------|---------------------------------|
| Conduct Unbecoming | 1 | 0 | 0 | 0 |
| Criminal Conduct | 0 | 0 | 0 | 0 |
| Constitutional Rights Violation | 0 | 0 | 0 | 0 |
| Demeanor/Rudeness | 0 | 3 | 0 | 4 |
| Driving Violations | 0 | 1 | 0 | 1 |
| Duty Performance | 1 | 2 | 18 | 8 |
| Failure to Report | 0 | 0 | 0 | 0 |
| Failure to Take Action | 0 | 0 | 0 | 0 |
| Failure to Tape Record | 0 | 0 | 0 | 4 |
| Use of Force | 0 | 0 | 2 | 0 |
| Workplace Harassment | 0 | 0 | 0 | 0 |
| Total | 2 | 6 | 20 | 17 |

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 course of 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 2016, the Boise Police Department experienced five officer-involved critical incidents.

On March 3, 2016 at approximately 2142 hours, BPD officers responded to a problem with subject call off of Clinton Street, regarding a woman who was outside a residence screaming. When BPD officers made contact with the female subject, she pointed a handgun at an officer. In self-defense of the subject's actions, the officer fired her department issued handgun, which ultimately did not strike the subject. The subject then fled the scene and a foot pursuit ensued that resulted in the subject being taken into custody. During the foot pursuit, it was determined by an officer the subject's weapon was a BB gun. The incident was investigated by the Critical Incident Task Force and reviewed by the Twin Falls County Prosecutor who found the officer's actions to be justified. The Boise Police Department's Office of Internal Affairs and the Boise City Office of Police Oversight conducted independent reviews of the incident.

On June 14, 2016 at approximately 0209 hours, officers were dispatched to a report of a possible drunk driver in a residential neighborhood. BPD officers made contact with a male subject who was sitting in his vehicle parked on the wrong side of the roadway. The driver refused to cooperate with officers and exit his vehicle. The officers found the driver to be "sweaty" and his thoughts were "paranoid and incoherent." The driver told officers people were after him and thought they were hiding in the trees and under his vehicle. When an officer attempted to physically remove the driver from the vehicle, he jabbed at the officer with a screwdriver and attempted to drive off, almost striking the officer. A few minutes later when the driver returned to the same location, officers attempted to box him in with their vehicles. Again the officers gave the subject repeated verbal commands, however he did not comply and attempted to drive out from between the two police cars, ramming his vehicle back and forth. An officer fired his service weapon in response to protecting innocent civilians and other officers. The subject was fatally wounded. The incident was investigated by the Critical Incident Task Force and reviewed by the Twin Falls County Prosecutor who found the officer's actions to be justified. The Boise Police Department's Office of Internal Affairs and the Boise City Office of Police Oversight conducted independent reviews of the incident.

On June 28, 2016 at approximately 2342 hours, Boise Police Officers were dispatched to the area of Bridlewood Circle in Boise, Idaho reference a shooting that had just occurred. Officers learned of a physical altercation and battery that occurred in a nearby residence which resulted in the shooting of an 18-year-old male victim. Other occupants in the residence were physically battered by the suspect. The male suspect fired several rifle rounds at vehicles and residences in the area. Upon arrival of officers to the area, the suspect fired multiple rifle rounds, striking one officer in the chest. The officer's ballistic vest prevented life threatening injuries. Officers ultimately fired two rounds at the suspect. It was not immediately known if those rounds struck the suspect or if he died as a result of a self-inflicted injury. The investigation is pending prosecutorial review. Independent reviews of the incident by the Boise Police Department's Office of Internal Affairs and the Boise City Office of Police Oversight are pending.

On September 26, 2016 at approximately 0205 hours, BPD officers were dispatched to assist

the Ada County Sheriff's Office with a fleeing subject from the City of Eagle. Officers located the subject driving into the parking lot of the Garden City Police Department. When officers from the Boise City, Garden City and the Ada County Sheriff's Office attempted to make contact with the driver, the subject produced and pointed a handgun toward them. Officers then discharged their department issued weapons in self-defense of the subjects actions. The subject was fatally wounded. The incident is currently under investigation by the Critical Incident Task Force. The Boise Police Department's Office of Internal Affairs and the Boise City Office of Police Oversight are also conducting independent reviews of the incident.

On November 11, 2016 at approximately 1300 hours, officers were dispatched to a reported sighting of a wanted felony subject off of Irving Street. The subject had been involved in a carjacking and shooting in the City of Meridian. Officers located the suspect walking down the street and attempted to stop and detain him, when he fled on foot. Officers promptly secured the perimeter and the Special Operations Unit was activated to conduct the search of residential houses in the contained area. Members of the Special Operations Unit located the subject who was hiding within the secured perimeter. The subject willfully produced a handgun, shooting two police officers and a K-9. Officers returned fire, fatally wounding the subject. The incident is currently under investigation by the Critical Incident Task Force. The Boise Police Department's Office of Internal Affairs and the Boise City Office of Police Oversight are also conducting independent reviews of the 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 lateral vascular neck restraint (LVNR) 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. In some instances, when certain multiple techniques have been utilized on the same subject, the department has chosen to capture these incidents in a "multiple techniques" category. Use of force categories are explained in greater detail in Appendix B of this report.

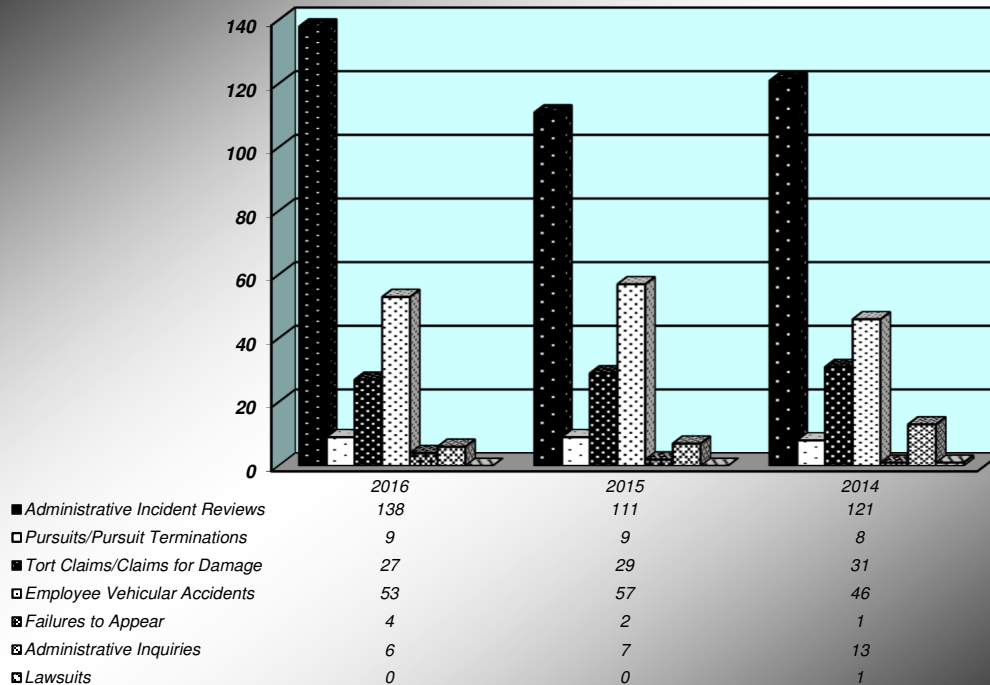
| Types of Force Used | Number for 2016 | Number for 2015 | Number for 2014 |
|-------------------------|-----------------|-----------------|-----------------|
| Hard Empty Hand Control | 30 | 29 | 40 |
| Common Peroneal | 3 | 9 | 14 |
| Suprascapular | 4 | 4 | 2 |
| OC Spray | 3 | 0 | 2 |
| LVNR | 28 | 27 | 22 |
| Baton | 2 | 2 | 1 |
| Taser® | 21 | 16 | 21 |
| Taser Drive Stun | 2 | 7 | 3 |
| Taser Red Dot | 3 | 6 | 4 |
| Firearm | 5 | 2 | 1 |
| K-9 | 4 | 10 | 4 |
| Soft Empty Hand | 114 | 105 | 280 |
| Total | 219 | 217 | 394 |

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 a slight increase in the reportable use of force *incidents* (112 in 2016 versus 109 in 2015).

The decrease in the number of soft empty hand uses of force shown above from 2014 to 2015 is primarily due to a change in the reporting processes. Effective 2015, soft empty hand uses of force that do not involve complaints or injuries are documented in conjunction with the report writing system.

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

Hard Empty Hand Control - An empty hand technique that has a higher potential for injury than Soft Empty Hand techniques.

Common Peroneal - A strike to the common peroneal nerve on the outside center of the thigh. This is normally accomplished by using a knee or fist.

Supra Scapula - A strike to the area above the scapula, or shoulder blade. This is normally accomplished by using a fist and may be a strike to both sides of the upper back at the same time.

OC Spray - Oleoresin Capsicum aerosol spray. Also, known as pepper spray, the successor to Mace.

LVNR - Lateral Vascular Neck Restraint. This is not a “choke hold” but is intended to diminish blood flow to the brain. LVNR is classified into three sub-levels which range from: receiving immediate compliance from the subject upon application of the maneuver without the use of compressions (level I), to continued resistance from the subject and the officer beginning compressions (level II), to prolonged or heightened resistance from the subject and the officer continuing compressions, leading to the subject being rendered unconscious (level III). The escalation to LVNR III requires an examination of the subject by medical personnel as soon as practicable following the application of the procedure.

Baton - A strike to any part of the body using either the side-handled PR24 baton or the more common expandable baton.

Taser® - A conducted energy weapon which fires barbed projectiles up to 21 feet. The deployment generates an electrical current that causes motor dysfunction and pain compliance.

Firearm - An authorized Department-issued or personally owned service weapon used by an officer in his/her capacity as a police officer.

K-9 - The deployment of a police service dog for the purpose of locating and/or apprehending a suspect.

Soft Empty Hand Control - Soft empty hand control techniques are designed to control passive or defensive resistance. They are used when verbal direction / commands are not 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.