

**Boise Police
Department
Office of Internal Affairs**



**Annual Statistical Report
January 1, 2009 – December 31, 2009**

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 Chief of Police on Internal Affairs matters. Two Civilian Investigators and one Law Enforcement Technician comprise the staff of this office. The investigators are responsible for conducting most internal investigations and the Law Enforcement Technician is responsible for primary complaint intake, office coordination, case tracking, maintenance of the OIA 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, and tracking of citizen commendations of employees. OIA also reviews and tracks reports of employee uses of force, pursuits, vehicular accidents, missed court appearances, administrative incident reviews, lawsuits, and tort 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.

OIA is also responsible for maintaining the Department's Early Warning System. The Early Warning System identifies potential employee performance difficulties in their infancy stage and allows them to be addressed early in hopes of avoiding greater difficulties in the future.

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.

There has been a significant downward trend in citizen complaints over the past five years as reflected in the chart on Page 3 of this report. This is certainly a positive trend. The Boise Police Department is committed to providing quality professional service to our community and we trust that this report reflects some success in that endeavor.

The Office of Internal Affairs instituted several improvements in 2009 and are listed below:

- Conducted & Completed the first Department Wide Internet Audit
- Conducted & Completed MDT Audit
- Made move to City Hall West
- The OIA and OMB offices worked in conjunction to significantly improve the audit responses from BPD to the OMB and reduce the time lines involved in this process by more than 50%.
- Completed Final Summary on hiring, recruiting, retention, Advanced Academy and FTO programs
- Initiated a study of foot pursuits

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.

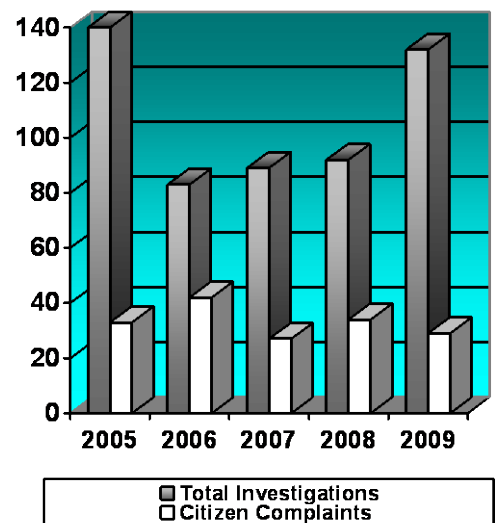
OIA also classifies some citizen concerns as *citizen inquiries*. In a citizen inquiry an employee has raised a question or complaint regarding department policy or procedure, rather than an allegation of misconduct.

Department Initiated Complaints

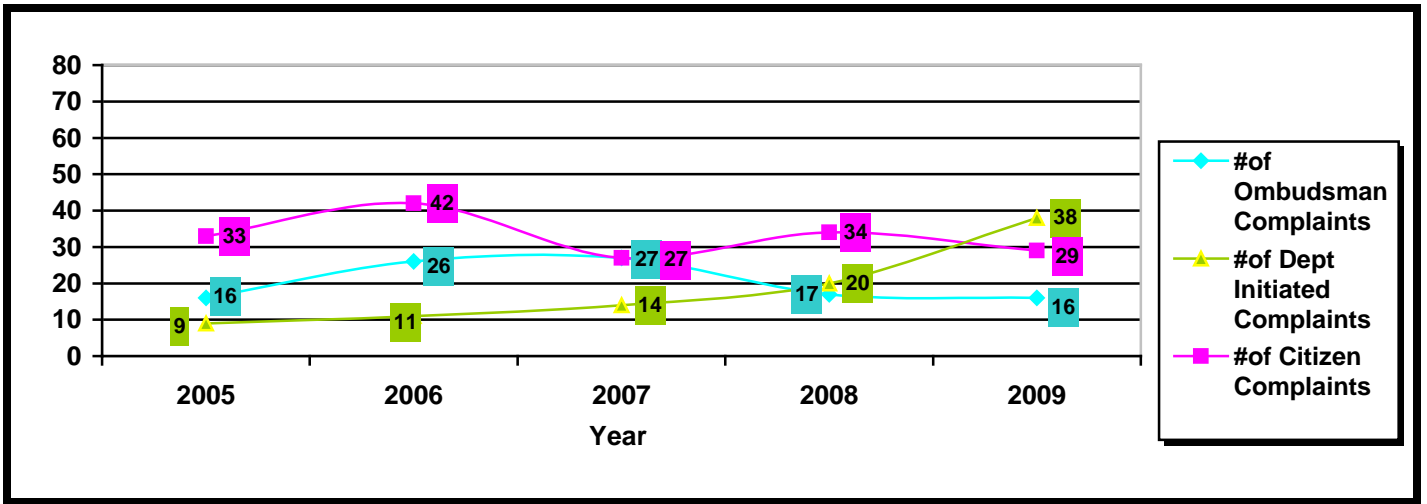
If a complaint is initiated by BPD supervisors or brought to supervisory attention by any BPD employee, it is classified as a department initiated complaint.

Comparison of the Number of Investigations by Year

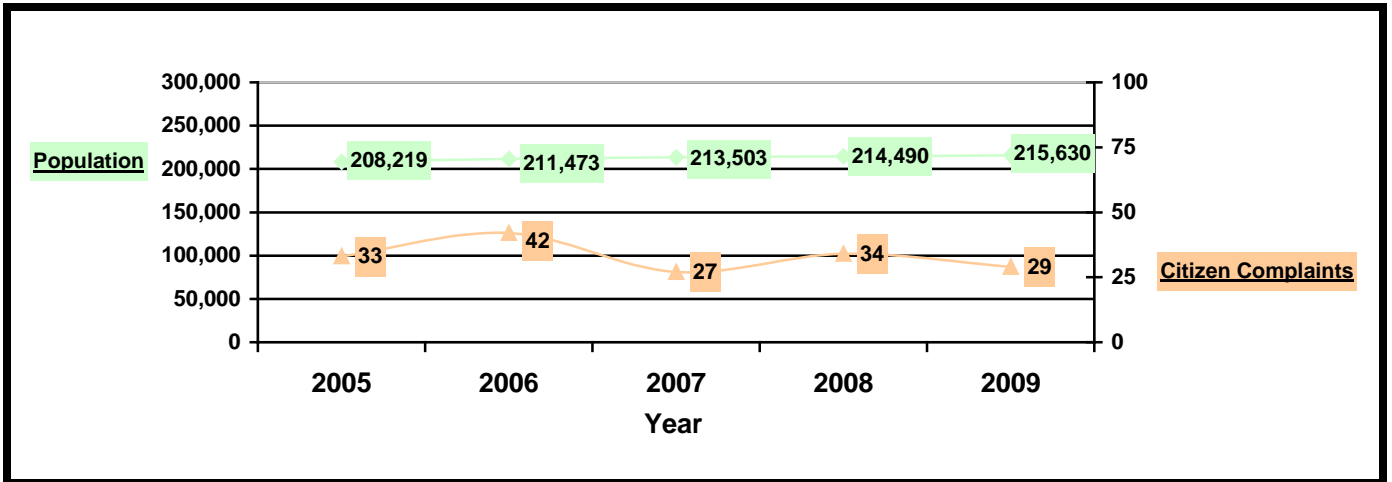
	2005	2006	2007	2008	2009
Citizen Complaints - Class I	15	23	12	17	10
Citizen Complaints - Class II	18	19	15	17	19
Citizen Inquiries	41	42	48	38	65
Departmentally Initiated - Class I	2	6	5	14	8
Departmentally Initiated - Class II	7	5	9	6	30
Total Investigations	140	83	89	92	132



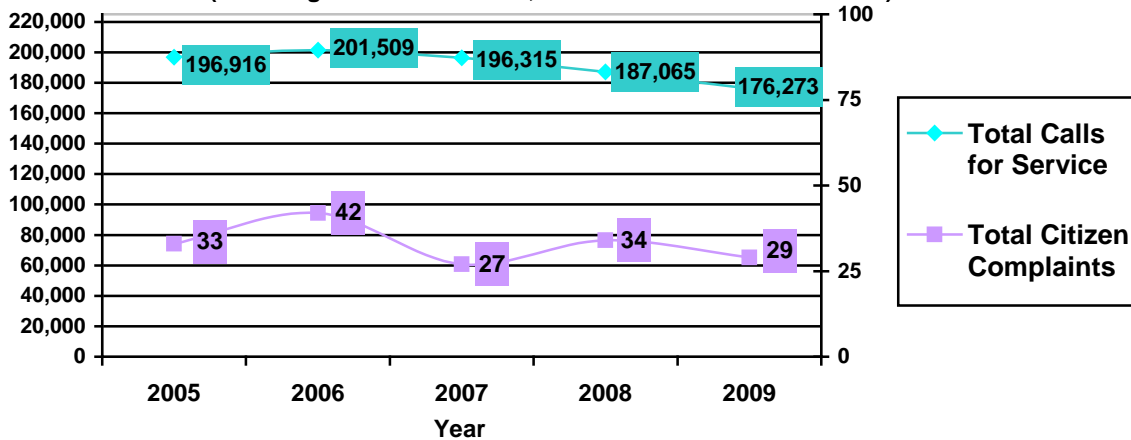
BPD Citizen/Department Initiated Complaints (includes) Ombudsman's Citizen Complaints by Year



Boise Population / Total Complaints 2005 - 2009



Complaints to Calls for Service (below figures exclude NCO, SRO and CID 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	5	0
Constitutional Rights Violation	0	0	0	0
Criminal Conduct	1	0	1	0
Demeanor / Rudeness	0	9	0	0
Driving Violation	0	3	0	0
Duty Performance	1	6	1	30
Use of Force	6	1	0	0
Failure to Report	0	0	0	0
Failure to Take Action	0	0	0	0
Failure to Tape Record	0	0	0	0
Workplace Harassment	0	0	1	0
Total	10	19	8	30

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 2009 cases.

Findings from Allegations During 2009

	Citizen Class I Complaints	Citizen Class II Complaints	Dept. Initiated Class I Complaints	Dept. Initiated Class II Complaints	All "Other" Types of Cases*
Exonerated	6	3	3	1	20
Not Sustained	1	3	0	0	2
Sustained	6	14	6	33	70
Unfounded	2	4	1	0	17
No Finding	0	0	0	0	0
Total	15	24	10	34	109

*The category "Other" includes, employee vehicular accidents, missed court appearances, missed quarterly training, missed shoot as well as other incidents which are routinely reviewed to evaluate employee performance, such as pursuits, uses of force, etc.

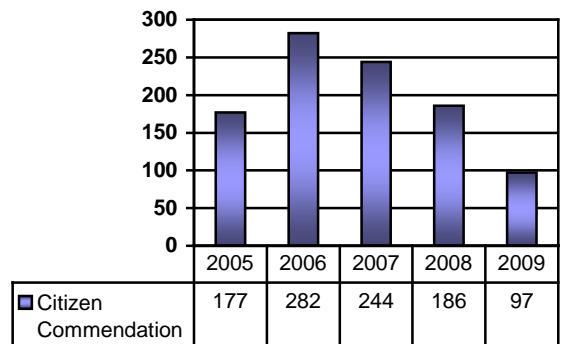
Distribution of Sustained Findings During 2009

	Citizen Class I Complaints	Citizen Class II Complaints	Dept. Init. Class I Complaints	Dept. Init. Class II Complaints	"Other" Types of Cases
Conduct Unbecoming	2	0	3	0	0
Criminal Conduct	1	0	1	0	0
Constitutional Rights Violation	0	0	0	0	0
Demeanor/Rudeness	2	2	0	0	0
Driving Violations	0	3	0	0	30
Duty Performance	1	9	1	33	17
Failure to Report	0	0	0	0	21
Failure to Take Action	0	0	0	0	0
Failure to Tape Record	0	0	0	0	2
Use of Force	0	0	0	0	0
Workplace Harassment	0	0	1	0	0
Total	6	14	6	33	70

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.

Citizen Commendation of Employees

Citizens also frequently contact the Department to thank or commend employees for acts of service or their response to a particular incident. OIA also tracks this positive feedback on employee performance. These commendations are received in the form of letters, e-mail messages and phone calls as well as numerous face-to-face comments of appreciation. Written commendations are tracked however, most phone calls & personal contacts go unreported. The chart to the right reflects the five-year history of citizen commendations received for employees of the Boise Police Department.



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

During 2009, the Boise Police Department experienced one officer involved critical incident:

On July 28, 2009, Boise Police Officers were dispatched to an apartment building where a female reported that a male subject was at her door with a gun and had fired some shots. When the officers arrived, they found the subject at the top of a staircase armed with an assault rifle and a handgun. The subject was in between

the apartment where the female was trapped and another apartment that the subject had broken into.

Officers attempted to negotiate with the subject who was pointing his handgun at officers and ignoring their verbal commands. When the subject continued to point his weapon at them, despite their verbal warnings, fearing for their safety and the safety of the trapped female fired their weapons at the suspect. The subject was not struck by the officer's rounds, but shortly after surrendered to the officers. Both the Department's administrative review and the Office of the Community Ombudsman's independent investigation concluded the use of force by officers was reasonable.

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:

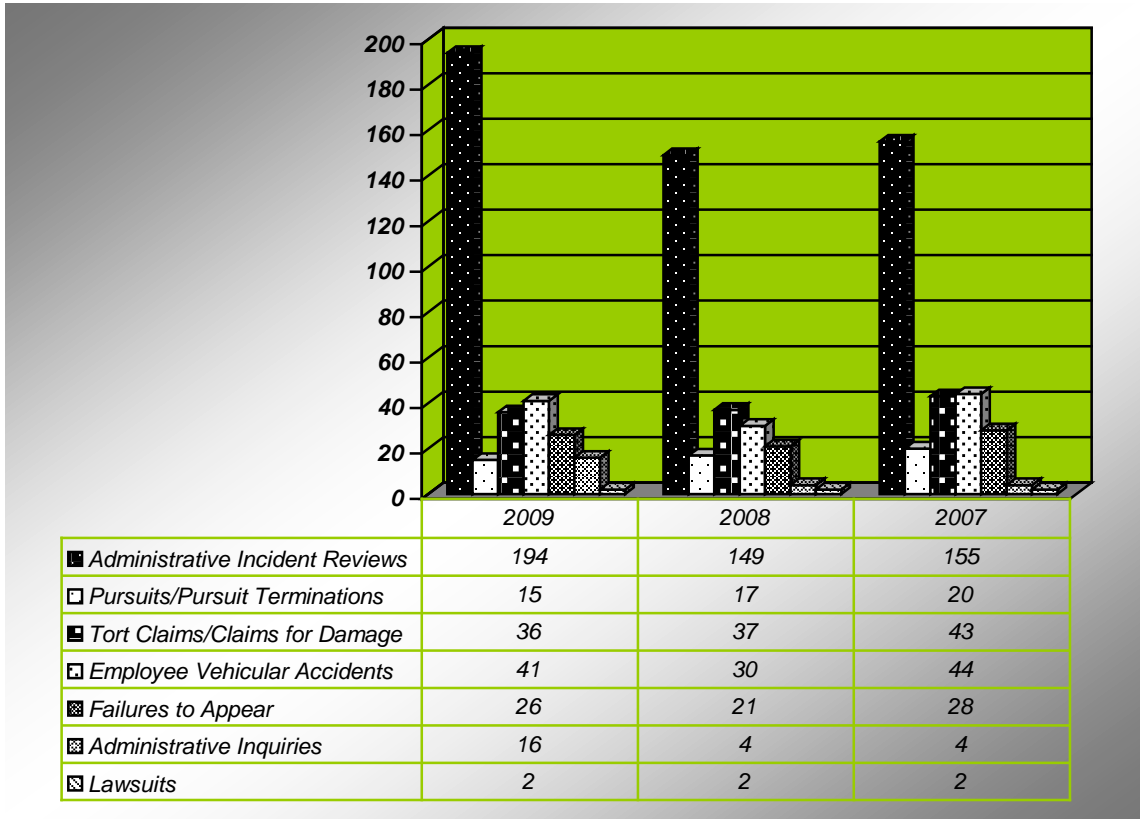
- The subject is injured or complains of injury
- A hard empty hand technique is used (see Appendix B)
- A lateral vascular neck restraint (LVNR) is used
- Intermediate weapons are used (includes baton, flashlight, less lethal flex round, OC spray, K-9, and Taser®)
- Firearms are discharged.

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 of Incidents for 2009	Number of Incidents for 2008	Number of Incidents for 2007
Hard Empty Hand Control	6	5	9
Common Peroneal	1	1	1
Suprascapular	2	1	5
OC Spray	4	0	5
LVNR	8	7	17
Baton	0	0	0
Taser®	30	28	44
Firearm	1	1	1
K-9	3	7	8
OC Spray and LVNR	0	0	0
Multiple (More than 2 techniques)	2	0	2
K-9 & Taser®	0	0	1
OC Spray & Taser®	0	0	1
LVNR & Taser®	2	1	2
Other	1	4	1
Total	60	55	97

Other Information Tracked by OIA

In addition to Commendations, Complaints, and Departmentally 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 are 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.