



## Office of the Community Ombudsman 2013 Audit Summary

### **Audits of Boise Police Internal Investigation**

City regulations governing the operation of the Office of the Community Ombudsman (OMB) require that we audit 100% of all complaints and at least 10% of “other” cases completed and closed by the Boise Police Department’s Office of Internal Affairs (OIA). In 2013, we met our complaint audit goal and exceeded our “other” case audit goal. A total of 382 cases were audited by the OMB. This total includes 100% of complaint cases and 36% of the 551 “other” case types.

We audited all 185 complaint cases closed by BPD in 2013. Of these, 121 were Citizen Complaints and 64 were Department Initiated Complaints. We also audited 197 of the “other” cases which included various classifications consisting of 68 (51%) Inquiries, 21 (44%) Vehicle Accidents, 3 (100%) Vehicle Pursuits, 35 (21%) Use of Force, 19 (49%) Risk Management, 8 (57%) Firearm Discharge, 1 (100%) Information Only, 40 (28%) Administrative Incident Reviews, and 2 (100%) Critical Incidents.

Concerns regarding audit observations related to the timeliness of investigations and reviews were discussed with OIA. Sending cases through the various levels within the chain of command for both assigning and reviewing investigations often took several days and delayed case resolution. OIA acknowledged timeliness concerns and took steps to improve the assignment and approval process by setting realistic timeliness requirements and training supervisors on these timeframes.

Also the timeliness goals for Rapid Resolution Inquiries (RRI) sent from OMB to BPD for resolution were continually not being met. This issue was discussed with OIA because a quick response is fundamental to the RRI process. OIA determined that RRI’s could be assigned more quickly if they skipped one level of supervision and routed RRIs directly to the lieutenant for assignment. Bypassing the step of having the division captain forward these RRIs to lieutenants has decreased the amount of time for cases to be assigned to the appropriate supervisor.

It was encouraging that OIA self-identified multiple issues during their review of cases handled at the division level, but these cases had already been signed off as being reviewed and approved through various levels within the division’s chain of command. OMB inquired about the considerations made by the chain of command when approving investigations and questioned the expectations of supervisory review. Inadequate investigations at the division level approved by various levels within the chain of command resulted in several formal audit issues raised in 2013. OIA has since set expectations for their command staff when reviewing cases and is holding supervisors accountable for their role in reviewing and approving cases.

In addition to these observations and discussions, the following issues were raised with OIA as a result of auditing cases closed in 2013.

#### Non-material Issues

A total of 23 (12%) of the 185 complaint cases audited contained 28 various procedural errors. Given the absence of any material deficiency, those procedural and documentary errors were brought to the attention of OIA. When possible, the error was corrected. Additionally, 11 (6%) of those complaint cases contained minor database issues that were corrected after the issue was conveyed to OIA. 146 (79%) of the complaints audited had no issues.

A total of 12 (6%) of the 197 “other” cases audited had missing items or minor procedural errors, while 9 (5%) of the “other” cases contained minor database issues that were corrected. 173 (88%) of the “other” cases audited had no issues.

#### Material Issues

Of those 185 complaint cases, 5 (3%) contained issues that were critical to the outcome of the investigation and would result in the case not passing audit if not remedied. Of the 197 “other” cases, 3 (2%) cases contained material issues that were presented to OIA to be resolved.

Following are the 8 cases that contained material issues that required a discussion with OIA. All cases passed audit upon the issues being addressed or reviewed.

#### **AUDITED CASE A**

The database record for this citizen complaint did not include two separate allegations and findings that were contained within the investigative report. When brought to OIA’s attention, these allegations and findings were added to the database and the involved officers advised of the findings.

#### **AUDITED CASE B**

This administrative inquiry was opened to address material issues found in two Class I Complaint investigations conducted at the division level. Both cases had several issues in regards to procedure, timeliness, and thoroughness of investigation that were identified by OIA. The procedure and thoroughness issues with these were rectified with subsequent investigations conducted by OIA. The two cases leading to this administrative inquiry were not noted as having formal issues because OIA was proactive in identifying and resolving them prior to audit. However, this administrative inquiry was noted in order to document a material issue encompassing overall concerns with division supervisors following Class I investigation procedures, timeliness issues, and report quality. Additionally, the investigations handled by division are approved at all levels of the chain of command resulting in the review process being brought into question. OIA agreed with the need to improve the review protocol by the chain of command and has implemented changes to address this issue as previously noted. OIA also determined that it should investigate Class I Complaints. However, if it is appropriate for an investigation to be conducted at the division level, then it will be investigated only by those at the lieutenant level or above. OIA also conducted training outlining timeliness requirements to supervisors at all levels.

### **AUDITED CASE C**

This department initiated complaint was found to be incomplete. Interview recordings were not linked to the database and a potential violation that was presented in the original incident report as needing to be followed up on did not include any evidence of having been addressed. This case passed audit after OIA linked the interview recordings and followed up with a division supervisor about the potential violation included in the original incident report. OIA learned that although the officer had been counseled on expectations, it had been determined that no policy violation had occurred.

### **AUDITED CASE D**

This department initiated complaint was determined to be incomplete. The case was missing two audio recordings of interviews and did not include a finding for an allegation of a policy violation. OIA preferred to not issue a finding due to the officer resigning prior to being interviewed about the allegations. After a discussion of policy requirements, it was decided that a finding was necessary. A finding of Not Sustained was agreed to be acceptable. OIA linked the finding to the allegation and added the missing recordings.

### **AUDITED CASE E**

This case was not properly classified per past practices. It was classified as a complaint, but had no allegation of a policy violation associated with it. Following an audit discussion, it was agreed that the case was better classified as an Inquiry and was subsequently downgraded.

### **AUDITED CASE F**

This use of force case did not include a report providing essential details of the incident. This case passed audit after OIA sent the case back to division for a use of force report to be completed and attached to the case.

### **AUDITED CASE G**

This citizen complaint was not thorough and did not include interviews as required by policy. Essentially, this case was investigated by division as a use of force review and not as a Class I Complaint as it should have been. Although OIA did identify the issue of complaint procedures not being followed, no corrective action was taken. This thoroughness issue was raised in an audit discussion, along with a concern of the deletion of a separate complaint case involving the same incident. This duplication occurred as a result of the complainant filing a complaint with a division supervisor and with OIA separately. The practice of deleting cases in general was brought into question, but specifically a concern of deleting cases without preserving any record of case activity prior to deletion as had occurred in this instance was raised. This case passed audit after OIA investigated the complaint as required by policy and conducted the required interviews. OIA agreed to establish a practice of preserving a case log to record case activity prior to deletion of unnecessary case entries.

### **AUDITED CASE H**

This citizen complaint raised concerns with being potentially unfair or biased when the audio of the complaint intake revealed the investigator was antagonistic in tone and words to the complainant. The chain of command review process was also brought into question since this

issue was not caught and addressed prior to OMB audit. Because of the potential demeanor violation, OMB opened a complaint investigation (OMB13-0026) into the investigator's uncivil and disrespectful manner. OMB issued a finding of sustained which was upheld by BPD. This case passed audit after OIA took steps to train supervisors on BPD's expectations in accepting and investigating complaints.

In summary, OMB audits continue to impact the quality of investigations conducted by BPD. These audits hold BPD accountable to follow procedures outlined in their policy manual. The discussions initiated by OMB on observations concerning areas requiring improvement influence BPD's service to the public and its employees. It is the opinion of OMB that BPD continues to demonstrate a commitment to quality in its internal investigations and responds constructively to feedback provided by our audits.

As an outcome of audit discussions held in 2013, the following actions have taken place:

- 1) Case approval by BPD's Chain of Command is more robust and now holds supervisors accountable for their role of the review process.
- 2) A reduction in Class I Complaints investigated by division supervisors. Class I Complaints are to be investigated by OIA, unless OIA determines it is appropriate for division at which time it will be investigated by lieutenants or above after a discussion of investigative requirements with OIA.
- 3) OIA improved the timeliness of case assignment and approval by refining the routing process, setting realistic timeliness requirements, and training supervisors on these timeframes.