

Chapter 2-22

OFFICE OF POLICE OVERSIGHT

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Section 2-22-01 DIRECTOR

There is hereby created an administrative unit of the City to be known as the Office of Police Oversight.

(Ord-28-15, 7/7/15; 5930, Added, 07/20/1999)

Section 2-22-02 APPOINTMENT AND REMOVAL OF DIRECTOR

- A. The Director of the Office of Police Oversight (“Director”) shall be appointed by the Mayor and confirmed by the City Council.
- B. The Director may not be removed from office except for misconduct, inefficiency, incompetence, inability or failure to perform the duties of such office or negligence in the performance of such duties. In cases that warrant removal from office, the removal shall be accomplished only by a resolution adopted in public hearing by either the majority of the full City Council upon recommendation of the Mayor or by a vote of no less than five (5) members of the full City Council; nothing contained herein shall prevent the Council from eliminating the Office of Police Oversight through the normal ordinance process which action shall not be considered a removal for cause but simply a change in policy by the City.

(Ord-28-15, 7/7/15; 5930, Added, 07/20/1999)

Section 2-22-03 SCOPE

The Office of Police Oversight shall have the authority to exercise its duties and responsibilities, as outlined below, with regard police activities and police personnel, operating under authority of the City of Boise City.

(Ord-28-15, 7/7/5; 6741, Amended, 08/25/2009; 5930, Added, 07/20/1999)

Section 2-22-04 DUTIES AND RESPONSIBILITIES

- A. Citizen Complaints

Any person may file with the Office of Police Oversight a complaint or allegation of wrongdoing against a Boise City police officer or police employee. Upon receipt of such complaint or allegation, the Office of Police Oversight shall:

- i) Ensure that a timely, thorough, complete, objective and fair investigation into the complaint or allegation is conducted. This investigation may, at the discretion of the Director, be conducted by the Office of Police Oversight, the Boise City Police Department or any other competent investigative agency.
- ii) Provide timely updates on the progress of the investigation to the complainant and the employee who is the subject of the investigation, unless the specific facts of the investigation would prohibit such notification.
- iii) Based on the results of the investigation, reach an independent finding as to the facts. The Director shall assess the conduct of the Boise City officer or police employee in light of the facts discovered through the investigation, the law, and the policies and training of the relevant department, and shall make recommendations for personnel action to be taken. The report of investigation and recommendations shall be given to the relevant Department Director for purpose of discipline and/or commendation when warranted, and for use in the development of the affected law enforcement officer or police employee's formal personnel evaluation. A law enforcement officer, police employee, or citizen may waive their personal privacy right.
- iv) Communicate these findings on a timely basis to the complainant, the employee who is the subject of the investigation, and the Chief of Police.

B. Review of Internal Investigations conducted by Police Department.

The Office of Police Oversight shall review internal investigations conducted by Boise City Police to determine if the investigations are complete, thorough, objective and fair.

C. Appeals of Internal Investigation Findings

Any person may file with the Office of Police Oversight an appeal of the findings of an internal investigation conducted by the Boise City Police. Upon receipt of such an appeal, the Office of Police Oversight shall:

- i) Review the completed investigation.
- ii) Determine whether the investigation is complete, thorough, objective and fair.
- iii) Provide timely updates on the progress of the review to the complainant and the employee who was the subject of the original investigation, unless the specific facts of the investigation would prohibit such notification.
- iv) Based on the review of the original investigation, reach an independent finding as to the facts. The Director shall assess the conduct of the Boise City police officer or police employee in light of the facts discovered through the investigation, the law, and the policies and training, and shall make recommendations for personnel

action to be taken. The report and recommendations shall be given to the Chief of Police for the purpose of discipline and/or commendation when warranted, and for use in the development of the affected police employee's formal personnel evaluation.

- v) Communicate these findings on a timely basis to the person filing the appeal, the employee who was the subject of the original investigation, and the Chief of Police.

D. Mediation

The Office of Police Oversight shall develop an alternative dispute resolution process for resolving those citizen complaints that involves conduct which may most appropriately be corrected or modified through less formal means.

E. Policy Recommendations

The Office of Police Oversight shall develop specific recommendations as to the policies, procedures, practices and training of Boise City police officers and police employees. The goal of the recommendations is improved professionalism, safety, effectiveness and accountability of Boise City Police officers and police employees. The Office of Police Oversight may make recommendations to the Chief of Police, Department Directors, the Mayor or the City Council as appropriate.

F. Community Outreach

The Office of Police Oversight shall develop and maintain a regular program of community outreach and communication for the purpose of listening to and communicating with the citizens of Boise City.

G. Reporting

The Director shall file semi-annual public reports with the City Clerk for transmittal to the City Council and Mayor which shall:

- i) Include a statistical analysis documenting the number of complaints received by category, their disposition and any actions taken
- ii) Analyze trends and patterns;
- iii) Make recommendations, as appropriate.

The reports shall include all complaints received by the Office of Police Oversight Police, and Internal Affairs and shall include those matters audited by the Director.

H. Critical Incidents

In the event that an officer or employee of the Boise Police Department is involved in a critical incident, defined below, as a principal, victim, witness or custodial officer, the Office of Police Oversight shall be notified immediately and shall act as an observer to

any criminal, administrative or civil investigation conducted by or on behalf of such Departments.

The Office of Police Oversight may also conduct an independent administrative investigation into a critical incident. The Director shall assess the conduct of the Boise City police officer or police employee in light of the facts discovered through the investigation, the law, and the policies and training of the relevant department, and shall further make recommendations for personnel action to be taken.

The report of investigation and recommendations shall be given to the Chief of Police for purpose of discipline and/or commendation when warranted, and for use in the development of the affected police officer or police employee's formal personnel evaluation. Critical incidents include but are not limited to situations involving the following:

- i) Use of deadly force (excluding animals).
- ii) 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.
- iii) Vehicle pursuits, roadblocks, or intercepts resulting in the death of one or more persons, or serious bodily injury requiring hospital admission.
- iv) Vehicular collisions resulting in the death of one or more persons, or serious bodily injury requiring hospital admission that occurred while a police officer or police personnel was operating a city vehicle (either on-duty or off-duty) or a private vehicle while on-duty.

(Ord-28-15, Amended, 07/07/15; 6741, Amended, 08/25/2009; 6093, Amended, 10/09/2001; 5930, Added, 07/20/1999)

Section 2-22-05 CONFIDENTIALITY OF RECORDS AND INFORMATION

The Office of Police Oversight shall comply with all state and federal laws requiring the confidentiality of law enforcement records, information, and confidential personnel records; and respect the privacy of all individuals involved. A police officer, police employee, or citizen may waive his or her personal privacy rights.

(Ord-28-15, Amended, 07/07/15; 5930, Added, 07/20/1999)

Section 2-22-06 RELATIONSHIP BETWEEN THE OFFICE OF POLICE OVERSIGHT AND BOISE CITY POLICE AND OTHER DEPARTMENTS

- A. The Chief of Police shall, jointly with the Director, develop standard operating procedures to govern the relationship and flow of communication and work products between the Office of Police Oversight the Boise Police Department.
- B. The Office of Police Oversight is to be given full, unrestricted and complete access to any and all information, files, evidence or other material which the Director shall deem necessary in the performance of the duties specified and responsibilities set forth in this Chapter.
- C. The Office of Police Oversight shall provide the Chief of Police with timely notification of

complaints, investigations, appeals and findings and with such information and cooperation as is appropriate and necessary.

(Ord-28-15, Amended, 07/07/15; 6741, Amended, 0825/2009; 5930, Added, 07/20/1999)

Section 2-22-07 COOPERATION WITH THE OFFICE OF POLICE OVERSITE

- A. All City employees and Boise City Police Officers shall be required as a condition of their employment to cooperate fully and truthfully with the Office of Police Oversight operating within the course and scope of this Chapter, by providing the Office of Police Oversight with any and all information, evidence, interviews, or other material as requested.
- B. No person shall directly or indirectly force, or by any threats to person or property, or in any manner willfully intimidate, influence, impede, deter, threaten, harass, obstruct or prevent, another person, including a child, from freely, fully and truthfully cooperating with the Office of Police Oversight.

(Ord-28-15, Amended, 07/07/15; 5930, Added, 07/20/1999)

Section 2-22-08 INDEPENDENCE OF THE DIRECTOR OF THE OFFICE OF POLICE OVERSIGHT

- A. The Director and any employee of the Office of Police Oversight shall, at all times, be independent. Any investigations, findings, recommendations and requests made by the Office of Police Oversight shall reflect the views of the Office of Police Oversight alone.
- B. No person shall attempt to unduly influence or undermine the independence of the Director or any employee of the Office of Police Oversight in the performance of the duties and responsibilities set forth in this Chapter.

(Ord-28-15, Amended, 07/07/15; 5930, Added, 07/20/1999)

Section 2-22-09 FALSE REPORTS

The Office of Police Oversight shall have the discretion to decline further action on a complaint filed with the Office of Police Oversight if the Director finds that there is a reasonable belief that the alleged acts of misconduct in the complaint are false and that the person(s) filing the complaint knew them to be false at the time the complaint was filed.

(Ord-28-15, Amended, 07/07/15; 5930, Added, 07/20/1999)