



## **OMBUDSMAN'S REPORT**

### **Complaint Investigation & Findings**

*OMB06/0115 - November 1, 2006*

#### ***THE SITUATION***

On August 22, 2006, Officers #1 and #2 were handling an unrelated matter when passersby alerted them to a possible domestic battery taking place nearby at Taft and 36<sup>th</sup> Streets. Officer #1 interviewed witnesses while Officer #2 attempted to locate the vehicle. Dispatch then notified them of a domestic violence call on Catalpa, just west of 36<sup>th</sup>. When they arrived, the officers learned that this call involved the same vehicle for which they had been looking. Officers spoke with three witnesses, the Complainant and her boyfriend. They arrested the boyfriend for Domestic Battery. He was transported to the jail and served with a No Contact Order. Emergency Medical Services personnel treated the Complainant at the scene.

#### ***THE COMPLAINT***

The Complainant contacted the Office of the Community Ombudsman by phone on August 22, 2006. She alleged that a Boise Police Department (BPD) officer called her a "liar" numerous times while arresting her boyfriend on August 10, 2006. She also alleged that the officer also required her to go to the hospital either by ambulance or by driving herself.

Name calling, uncomplimentary speech, or intentionally antagonizing someone would be a violation of § 11.01.07 of the BPD Policy and Procedures manual.

## ***THE COMPLAINT INVESTIGATION***

The following steps were taken in this investigation:

1. A review of all police records associated with the reported incident and the arrest of the Complainant's boyfriend.
2. A review of all audio recordings made by Officer #1 and other involved officers during their contacts with the Complainant, her boyfriend, and witnesses to the incident.

## ***WHAT THE COMPLAINT INVESTIGATION FOUND***

Based on the preponderance of evidence obtained and reviewed in the course of this investigation, I issued the following findings of fact.

1. Officer #1, based on the physical evidence and witness statements, had probable cause to believe that the Complainant had been battered by her boyfriend in the presence of her children.
2. Officer #1 interviewed the victim (Complainant) about the incident.
3. Officer #1 reasonably believed that she was not telling the truth about what had happened based on her physical injuries and the statements of three witnesses.
4. Officer #1 told her that he didn't believe her and that she was lying. He told her that he understood why she was not telling the truth.
5. Officer #1 told the Complainant that she should go to the hospital for treatment of her injuries, but he did not order her to go.

## **OMBUDSMAN'S ANALYSIS AND FINDINGS**

Domestic violence incidents are some of the more difficult and emotional crimes with which police officers must deal. The legislature has recognized the special nature of these crimes by enacting special laws for assaults and batteries between persons in domestic relationships. Police departments across the nation have encouraged arrests in these cases by adopting pro-arrest policies, as has the Boise Police Department.

Experienced police officers have learned that, in many cases, the victim does not want to press charges against the batterer for a variety of reasons. In many cases, victims have been led to believe that they deserve this treatment or that they have somehow caused it. Police have learned that an arrest is often the best way to break the cycle of violence and to get the batterer to learn some other way of dealing with their anger. It is not uncommon for the victim of domestic violence to deny it or to lessen its seriousness.

It is therefore not surprising that Officer #1 did not believe the Complaint's story that nothing happened when he observed physical evidence of her injuries and had three witnesses telling him otherwise. He no doubt understood that in the long run, the best way to help this victim was to help her admit the truth. This can be done by telling her that he doesn't believe her, that he thinks she is lying, and by pointing out the inconsistencies in her story. Saying that someone is lying will not always give rise to a policy violation. It depends entirely on the circumstances and manner in which it was done.

The preponderance of evidence in this case shows that Officer #1 was attempting to get the Complainant to admit and recognize the problem. He clearly did not believe the Complainant's version of the events. He was not angry or confrontational. To the contrary, he was calm, supportive, and empathetic. He offered reassurance and assistance. He explained that this was not her fault, that he has seen this everyday and that she is not alone.

For this reason, I have issued a finding of exonerated in connection with the allegation that Officer #1 violated §11.01.07 of the BPD Policy and Procedures Manual.



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