

Minutes for the Salt Lake City Police Civilian Review Board meeting held Monday, October 11, 2004 at 5:00 p.m. in Room 126, City County Building, 451 South State Street, Salt Lake City, Utah.

Board Members In Attendance: Brent Ward, Adrian R. Autry, Nancy Appleby, Teddi Velarde, Nafitalai Unga Kioa, Susan Webster, Claudia O’Grady, Eligio White, Daniel Levin, Ramona Gonzales and Scott McCoy.

Also In Attendance: Chris Burbank, Administrative Lieutenant with the Police Department.

Investigator: Linda Hamilton
Administrative Assistant: Robyn Stanczyk
Police Board Advisor: Dean Carr
Deputy City Recorder: Beverly Jones

I. The meeting convened at 5:05 p.m. Chair Brent Ward presided.

II. Approval of Minutes of July 12, 2004 Scott McCoy moved and Susan Webster seconded to **approve the minutes of July 12, 2004**, which motion carried, all members voted aye.

III. New Business

a. Required second year training – Discussion with Chris Burbank about new complaint process in the Police Department.

Mr. Burbank briefed the Board on the Police Department’s new complaint process. Brent Ward asked what happened if the described conduct did not fit the procedures or policies. Mr. Burbank said officers could only be held responsible for what was in policy. He said “conduct unbecoming” was applicable if an officer’s conduct was inappropriate. He said in the past there were Category 1 and Category 2 complaints but these categories had been removed from the process. Mr. Ward said sergeants were given more responsibility in the complaint process. Mr. Burbank said sergeants were being given the ability to pull an officer’s history from the computer to identify if the officer had previous complaints against him. He said if there were no previous complaints the sergeant could give the officer non-disciplinary instruction (NDI).

Mr. Ward asked if non-disciplinary instruction showed up on record and if the Board would become aware of a subsequent complaint. Mr. Burbank said the Board would not see the complaint until the penalty phase was in place. He said changes incorporated into the policy made it difficult for a supervisor to ignore a citizen’s complaint. He said claimants would feel better about what happened because they would receive more information. Mr. Ward said the Department could treat the complaint more seriously. Mr. Burbank said the Chief of Police reserved the right to review and ask for an investigation. He said in the section of the policy titled “Waiver of Personnel Contractual Right Process,” if an officer was accused of any misconduct that officer could ask to review potential discipline. He said the officer could plead guilty and waive his/her rights to the whole process. Mr. Ward asked when this procedure would take effect. Mr. Burbank said it was effective immediately.

b. Discussion on proposed policy “Disagreements with the Police Chief’s Final Disposition”.

Mr. Ward said Ms. Hamilton had drafted a procedure for the proposed policy. He said the document was in the Board’s packet. Ms. Hamilton said she had laid out the Board’s options.

Motion: Mr. McCoy moved and Mr. Levin seconded **to adopt the procedure**, which motion carried, all members voted aye.

c. Review and Approve Quarterly Board Report for July thru October, 2004.

Mr. Ward said the report was accumulative and went back to July 1, 2003. He said female complainants’ statistics seemed to be different than those of males. He said 33% of complaints made by female complainants were found to be unfounded and only 3% of complaints made by male complainants were unfounded. Ms. Hamilton said the problem was small numbers. A discussion was held about adding a clarification asterisk to the statistics. All Board Members were not in favor of adding asterisks to the document.

Motion: Mr. Levin moved and Ms. Appleby seconded **to approve the Quarterly Report for July through October, 2004**, which motion carried, all members voted aye.

d. Discuss interviews with City Council for Board members being reappointed.

Mr. Levin said he was extensively questioned by the Council on his publications dealing with the right to resist arrest and liability issues. He said part of the interview were questions about what the Board was doing in terms of a quarterly report. Mr. Ward said the Board needed to be prepared and have a copy of the latest report when they went for interviews. Mr. Levin said the Board could brief the City Council as a proactive measure to let them know where the Board was going. All Board Members were in favor of writing a letter to the Mayor and exploring the possibility of making a presentation to the City Council.

e. Nominations for Board Chair and Vice Chair for 2005.

Ms. Hamilton said nominations would be made and then she would follow-up with the nominees to make sure they were willing and able. She said those names would appear on the January agenda.

Motion: Nafitalai Unga Kioa moved and Eligio White seconded **to nominate Scott McCoy for Chair**, which motion carried, all members voted aye.

Mr. McCoy moved and Mr. Kioa seconded **to nominate Mr. Levin and Ms. Webster for Vice Chair**, which motion carried, all members voted aye.

IV. Adjournment: Ms. Webster moved and Mr. McCoy seconded **to adjourn the meeting**, which motion carried, all members voted aye.

The meeting adjourned at 6:07 p.m.

Civilian Review Board Chair

Deputy City Recorder