

Police Civilian Review Board Procedure for Referring Malicious or False or Frivolous Complaints to the City Prosecutor

Responsible City Agency: Management Services

Key Words: Malicious, knowingly, complaint, police officer, damage

1. General

The Police Civilian Review Board investigates allegations of misconduct by police officers. In order to protect police officers from false, malicious, and/or frivolous complaints filed with the Police Civilian Review Board, the ordinance also provides that any person who knowingly files a complaint that is frivolous, malicious or false is guilty of a Class C misdemeanor. Additionally, it provides that any person knowingly filing a false, malicious or frivolous complaint is liable for all costs and expenses incurred in investigating the complaint.

The purpose of this rule is to provide information to the public on the consequences of filing a malicious, false, or frivolous complaint against a police officer with the Police Civilian Review Board. A complaint will only be covered by this rule if the complainant knows or should have known that the complaint is false and/or frivolous or is made with malice in an attempt to damage a police officer.

2. Process for Determining Whether a Complaint is Malicious, False, and/or Frivolous

3.1 Once the Board Investigator has reached a conclusion that a complaint is malicious, false, and/or frivolous, and that the complainant knew or should have known the allegations were false and/or frivolous or made maliciously with the intent to damage a police officer, the Investigator will make a recommendation to a Board panel that the complainant filing the malicious, false, and/or frivolous complaint be referred to the City Prosecutor with a recommendation for prosecution.

3.2 In formulating the recommendation the Investigator will consider the following:

- A. Whether any evidence was generated during the investigation that supported the facts of the allegation.
- B. Whether there were other witness(es) whose statement(s) either controvert or support complainant's allegations.
- C. Whether the complainant appeared to make the complaint in an attempt to coerce the police officer.
- D. Whether the complainant knew or should have known the complaint was false.

E. Whether the complainant knew or should have known that the police officer was acting within police policy.

F. Complainant's complaint history with the Police Department.

3. Actions of the Panel

4.1 If the Board panel determines that a complaint was malicious, false, and/or frivolous, the chair of the panel will contact the Board Chair.

4.2 If the Board Chair agrees that a complaint was frivolous, he/she will direct the Investigator to prepare a summary report for the City Prosecutor, containing the following elements.

A. The allegation of the complainant.

B. A brief summary of the facts yielded by the investigation that were not supportive of the allegation.

C. A brief summary of the facts yielded by the investigation that did support the allegation, if any.

D. The reason(s) the Board believes the complaint was malicious, false or frivolous.

E. Recommendation for prosecution.

4.3 Once the report is approved by the Board Chair, it will be sent to the City Prosecutor with a copy going to the complainant, the Police Chief, the Internal Affairs Unit, and the officer involved.

4.4 The Board Chair will then instruct the Investigator to dismiss the complaint and provide notice and advice to the complainant, the Police Chief, the Internal Affairs Unit, and the officer involved that the complaint has been referred to the City Prosecutor.

4.5 The City Prosecutor will determine whether it is appropriate to file criminal charges and/or whether to attempt to secure reimbursement for costs incurred conducting the investigation.

Current Reference: Salt Lake City Code 2.72

Effective Date:

Mayor's Signature _____ Date_____