

Salt Lake City Police Civilian Review Board

Quarterly Report

April 12, 2004

Cases completed since last semiannual report on January 12, 2004 (redacted copies attached)

C1 2003-33

Allegations:

1. Respect for coworkers.
2. Obligation to abide by orders.

Panel's recommendations:

1. Respect for coworkers. Complaint should be sustained.
2. Obligation to abide by orders. Complaint should be sustained.

C1 2003-0042

Allegations:

1. Failure to abide by law.
2. Violation of the code of conduct.
3. Use of police discretion.

Panel's recommendation:

1. Failure to abide by law. Complaint should be sustained.
2. Violation of the code of conduct. Complaint should be sustained.
3. Use of police discretion. Complaint should be sustained.

C1 2003-0045

Allegations:

1. Failure to abide by policy and orders.
2. Failure to abide by law—assault.
3. Failure to abide by law—terroristic threat.
4. Use of force.
5. Violation of courtesy in public contacts and personal courtesy policies.

Panel's recommendations:

1. Failure to abide by policy and orders. Complaint should be sustained.
2. Failure to abide by law—assault. Officer should be exonerated.
3. Failure to abide by law—terroristic threat. Complaint should be sustained. **(Allegation added by panel.)**
4. Use of force. Officer should be exonerated.

5. Violation of courtesy in public contacts and personal courtesy policies. Complaint should be sustained.

C1 2003-0048

Allegations:

1. Failure to abide by law—Assault
2. Failure to abide by law—Terroristic threat (**Allegation added by panel**)
3. Failure to abide by law—multiple allegations.
4. Interfering with a police officer.
5. Failure to support coworkers.
6. Disturbing the peace.

Panel's recommendations:

Failure to abide by law—Assault. Officer should be exonerated.

Failure to abide by law—Terroristic threat. Complaint should be sustained.

Failure to abide by law—multiple allegations. Complaint should be sustained.

Interfering with a police officer. Complaint should be sustained.

Obligation to support coworkers. Complaint should be sustained.

Disturbing the peace. Complaint should be sustained.

C1 2003-0049

Allegations:

1. Excessive Force
2. Violation of courtesy on public contacts—profanity
3. Failure to file a Control of Persons Report (**Allegation added by panel.**)

Panel's recommendations:

1. Excessive Force. Officers should be exonerated

2. Violation of courtesy in public contacts—profanity. Complaint should be sustained.

3. Failure to file a Control of Persons Report (**Allegation added by panel.**) Complaint should be sustained.

C1 2003-0051

Allegation:

Excessive force.

Panel's recommendation:

Officer should be exonerated.

C1 2003-0052

Allegations:

1. Improper exercise of police authority
2. Use of force
3. Public courtesy—profanity

Panel's recommendations:

1. Improper exercise of police authority: Officer should be exonerated
2. Use of force. Officer should be exonerated
3. Public courtesy—profanity. Complaint should be categorized as unfounded.

C1 2003-60

Allegations:

1. Illegal search and seizure
2. Violation of policy on repossessions

Panel's recommendations:

1. Illegal search and seizure. Complaint should be sustained.
2. Violation of policy on repossessions. Complaint should be sustained.

C1 2003-0061

Allegations:

Use of Force

Panel's recommendation:

Officer should be exonerated.

C1 2004-0001

Allegations:

1. Unit Status
2. Response to Calls
3. Truthfulness

Panel's recommendations:

1. Unit status. Complaint should be sustained
2. Response to calls. Complaint should be sustained.
3. Truthfulness. Complaint should be sustained.

C1 2004-0005

Allegations:

1. Public courtesy and personal Contacts
2. Abide by law
3. Improper exercise of police authority

Panel's recommendations:

1. Public courtesy and personal contacts. Complaint should be sustained.
2. Abide by law. Complaint should be classified as unfounded.
3. Improper exercise of police authority. Officers should be exonerated.

C1 2004-0006

Allegation:

Courtesy towards subordinate personnel

Panel's recommendation:

Complaint should be sustained.

C1 2004-0007

Allegation:

1. Improper search of prisoner.
2. Use of force

Panel's recommendations:

1. Improper search of prisoner. Complaint should be sustained.
2. Use of force. Officer should be exonerated.

C1 2004-0009

Allegations:

1. Use of force
2. Improper transport of Prisoner

Panel's recommendations:

1. Use of force. Complaint should be sustained.
2. Improper transport of prisoner. Complaint should be sustained.

C1 2004-0013

Allegation:

Use of force

Panel's recommendation:

Officer should be exonerated

C1 2004-0018

Allegation:

Courtesy towards subordinates

Panel's recommendation:

Complaint should be categorized as unfounded.

Cumulative Statistics

Twenty-three case investigations have been completed since July 1, 2003. Five of those cases contained allegations against more than one officer. Investigations have been completed containing allegations against 29 officers. Attachment 1 is a list of all officers investigated showing the ethnicity/race and gender of the officers and the complainants. Attachment 2 contains the analysis of the complaints based on the race/ethnicity and gender of complainants and officers. It should be noted that a case has been considered sustained if at least one allegation was recommended to be sustained.

Analysis of Complainants

The overall sustain rate for all 23 cases is 57%, with a total of 13 cases recommended to be sustained. Of the 16 white complainants, panels recommended that 10 (63%) be sustained. Of the 7 complaints filed by African American/Hispanic/Pacific Islander complainants, panels recommended three (43%) be sustained. Panels recommended that four complaints (25%) filed by white complainants be exonerated. Panels also recommended that four complaints (57%) filed by African Americans/Hispanics be exonerated. Panels recommended that two complaints (12%) filed by white complainants be classified as unfounded. No cases filed by African American or Hispanics were recommended to be classified as unfounded.

Five complaints were filed by females. Panels recommended that 2 (40%) be sustained, two (40%) be exonerated, and one (20%) be classified as unfounded. Of the 18 complaints filed by males, panels recommended that 11 (61%) be sustained, six (33%) be exonerated, and one (6%) be classified as unfounded.

Analysis of Officers

A total of 29 complaints against individual officers have been investigated with 18 being recommended to be sustained for an overall sustain rate of 62%. Twenty-two complaints were filed against white officers. Panels recommended that 13 (59%) of the complaints against white officers be sustained, 8 (36%) be exonerated, and one (5%) be classified as unfounded. Of the seven complaints filed against African American/Hispanic/Pacific Islander officers, panels recommended that five (72%) be sustained, one (14%) was recommended to be exonerated, and one (14%) was classified as unfounded.

Complaints were filed against three female officers with panels recommending that two (67%) be sustained and one (33%) be exonerated. Of the 26 complaints against white officers, 16 (62%) were recommended to be sustained, eight (32%) were recommended to be exonerated, and 2 (8%) were recommended to be categorized as unfounded.

Analysis of Use of Force

Eight use of force complaints have been investigated. Panels recommended that two of the eight (25%), be sustained. Three use of force complaints were filed by Hispanics. Panels recommended the officer be exonerated on all three cases. Five use of force complaints were filed by whites. Panel recommended that two of the five (40%) be sustained. Five use of force complaints were filed against white officers and one (20%) was recommended to be sustained. Three use of force complaints were filed against Hispanic/Pacific Islander officers and two (67%) were recommended to be sustained.

Quarterly Statistics

Sixteen case investigations have been completed since January 12, 2004. Five of those cases contained allegations against more than one officer. Eleven of the 16 cases investigated from January 12 through April 12, 2004 resulted in a recommendation that at least one allegation be sustained, for an overall sustain rate of 69%. Attachment 3 is a list of all officers investigated showing the ethnicity/race and gender of officers and complainants. Attachment 4 contains the analysis of the complaints based on the race/ethnicity and gender of complainants and officers.

Analysis of Complainants

Eleven complainants for the quarter were white while five were African American or Hispanic. Of the five complaints filed by African Americans or Hispanics, two (40%) were recommended to be sustained. Three (60%) of the complaints filed by African Americans or Hispanics resulted in a recommendation that the officer be exonerated. Of the 11 complaints filed by whites, nine (82%) were recommended to be sustained and two (18%) were recommended to be exonerated. No cases filed by African American, Hispanics or whites were recommended to be classified as unfounded.

Three complaints were filed by females and 2 (67%) were recommended to be sustained. One of the complaints (33%) resulted in a recommendation that the officer be exonerated. Complaints were filed by 13 males. Of those, 9 (69%) were recommended to be sustained and four (31%) were recommended to be exonerated. No complaints filed by females were recommended to be categorized as unfounded.

Analysis of Officers

Seven complaints were filed against African American, Hispanic or Pacific Islander officers. Five (72%) were recommended to be sustained, one complaint (14%) was recommended to be classified as unfounded, and one (14%) was recommended to be exonerated. Fifteen complaints were filed against white officers with 10 (67%) recommended to be sustained and five (33%)

recommended to be exonerated. No complaints against white officers were recommended to be categorized as unfounded.

Three complaints were filed against female officers. Two (67%) were recommended to be sustained and one (33%) was recommended to be exonerated. Complaints were filed against 19 male officers, with 13 (69%) recommended to be sustained and five (26%) recommended to be exonerated. One (5%) complaint filed against a male officer was recommended to be categorized as unfounded.

Analysis of Use of Force

Five use of force complaints were investigated during the quarter. Two were filed by Hispanic complainants and panels recommended that the officers be exonerated on both cases. Three use of force complaints were filed by white complaints. Of those three, one (33%) was recommended to be sustained.

Of the five use of force complaints filed, two (40%) were filed against Hispanic or Pacific Islander officers. One (50%) was recommended to be sustained and one (50%) was recommended to be exonerated. Three use of force complaints were filed against white officers. All were recommended to be exonerated.

Trends and Patterns

The following trends or patterns have been noted by panels of the Police Civilian Review Board:

Some cases have contained allegations that the officers' actions were predicated on the race or ethnicity of the complainant. Anytime a complainant states that an officer's actions were based on race or ethnicity that should become one of the central allegations to be investigated by Internal Affairs. This has not always been the case.

The allegations cited by the Department against police officers do not always appear to be consistent. Under very similar circumstances there was an allegation of failure to abide by the law against one officer and not another. The Police Department may want to consider having one person responsible for reviewing the circumstances of each Category 1 complaint and determining what the allegation(s) should be.

Other Recommendations

The Department's policy on use of force other than deadly force has caused some confusion. The policy reads as if the only time excessive force is possible is when someone has been arrested. When force is used police officers frequently temporarily detain rather arrest people. It would be helpful if the policy was clarified so that it is clear it applies to officers who are detaining, as well as, arresting people.

The Department's policy on search and seizure is vague and written in legalistic terms. The Board believes it would be very difficult for officers to interpret and correctly apply the policy as it is currently written. The Board recommends that this policy be rewritten and more specific guidance be given to officers.

Almost all police patrol cars have cages. Officers either have not received, or have forgotten, training regarding the transport of prisoners in vehicles without cages. Occasionally prisoners are transported in vehicles without cages so it is recommended that officers be trained or reminded of the manner in which prisoners should be transported when the vehicle does not have a cage.

Brent Ward, Chair

Date