

# SALT LAKE CITY POLICE CIVILIAN REVIEW BOARD

## QUARTERLY REPORT

**July 1, 2009**

### 2nd Quarter Panels

#### **C2009-0053**

Allegation: Conduct Unbecoming

Panel Recmnd: Sustained

SLCPD Finding: Sustained

#### **C2008-0068**

Allegations: Improper Use of Force  
Rude Comments  
Improper Evidence Handling

Panel Recomnd: Exonerated; Unfounded; Sustained

SLCPD Finding: Not-Sustained; Not-Sustained; Instruction Given

#### **C2008-0074**

Allegation: Improper Use of Force

Panel Recomnd: Exonerated

SLCPD Finding: Not-Sustained

#### **C2008-0082**

Allegation: Inappropriate Use of Force

Panel Recmnd: Exonerated

SLCPD Finding: Not-Sustained

#### **C2008-0108**

Allegation: Excessive Force

Panel Recmnd: Unfounded

SLCPD Finding: Not-Sustained

#### **C2009-0113**

Allegation: Excessive Force

Panel's Recmnd: Unfounded

SLCPD Finding: Not-Sustained

**C2009-0122**

Allegation: Improper Search

Panel's Recmnd: Sustained

SLCPD Finding: Not-Sustained

**Trends/Issues Identified and Relayed to the Police Department**

The number of complaints about driving habits and rudeness continue to lead all statistical trends. The use of force issues, highlighted below, continue at a decreasing level in comparison to national and international norms of reporting.

Matters related to Search and Seizure law(s), continue to bedevil the responding officers, most likely due to a lack of continuing training or inattention to this constantly changing area of law. In no case examined in the past 16 months has the Board felt that officers intentionally violated the rights of citizens but often time, the officers are not familiar enough with this area to properly cite their legally recognized reason to not have a Search Warrant when conducting a search. This matter is clearly a trend and can be addressed by an increased emphasis on training. CRB would recommend that the Chief consider a training program at the daily "line-ups" or perhaps on a bi-annual basis associated with firearms training. In court, the usual remedy for a "bad search" is the "tossing" of all evidence obtained improperly, often along with derivative evidence, the "fruits of the poisonous tree". However, improper application of Search/Seizure law can and has lead to civil suits, which can expose the City and the Officer(s) to monetary damages. CRB recommends that a robust training program be set up to enhance the training all officers receive during their Police Academy training.

**Internal Affairs Cases  
April 1 – June 30, 2009**

**23** Vehicle accidents  
**0** Intelligence cases  
**0** Pursuits  
**2** Firearms discharge – injured deer  
**95** IA cases

**Dispositions: AD: Administratively Declined**

**PO: Polled the PCRB**

**PA: PCRB Panel Held**

<b>File #</b>	<b>Category</b>	<b>Sworn Y / N</b>	<b>Use of Force Y / N</b>	<b>Disposition</b>	<b>Status</b>	<b>Summary</b>
C2009-0070	M-file	Y	N	AD	Closed – info only	Citizen complaint; driving habits
0071	M-file	Y	N	AD	Closed – info only	Citizen complaint; handling of juveniles' arrests
0072	2	Y	N	AD	Sustained	Citizen complaint; driving habits
0074	1	Y	Y	PA Exonerated	Ongoing	Citizen complaint; excessive force used in arrest; left in transport van too long.
0075	2	Y	N	AD	Exonerated	Citizen complaint; officer inconsiderate
0076	1	Y	Y	PO Declined	Exonerated	Citizen complaint; excessive force during arrest for jay walking; rudeness
0077	M-file	Y	N	AD	Closed, info only	Citizen complaint; officers not working
0078	M-file	Y	N	AD	Closed, info only	Citizen complaint; took child unlawfully – recanted
0079	M-file	Y	N	AD	Closed, info only	Citizen complaint; rights violated – recanted
0080	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; failure to perform duty
0081	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; rudeness
0082	1	Y	Y	PA Exonerated	Not Sustained	Citizen complaint; inappropriate force in arrest of son.

0083	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; minor pain caused by arrest
0084	M-file	N	N	AD	Closed – NDI	Dispatcher failure to provide notice of absence
0085	2	Y	N	AD	Not Sustained	Citizen complaint; officers rude and demanding
0086	M-file	Y	N	AD	Closed – info only	Citizen complaint; mishandling of incident
0087	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; officer rude and threatening
0088	1	Y	N	Ongoing	Ongoing	Citizen complaint; domestic violation; inappropriate touching of minor, alleged by ex-spouse
0089	2	Y	N	AD	Sustained	Officer failed twice to qualify with duty weapon
0090	2	Y	N	AD	Exonerated	Citizen complaint; mishandling of investigation
0091	M-file	Y	N	AD	NDI	Officer failed to abide by order
0092	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; officer needs to learn open carry law
0093	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; improper arrest
0094	M-file	Y	N	AD	Closed – info only	Citizen complaint; rudeness
0095	M-file	Y	N	AD	Closed – info only	Citizen complaint; rudeness
0096	2	Y	N	AD	Sustained	Officer failed to qualify with duty weapon
0097	M-file	Y	N	AD	Closed – info only	Officer reported possible false complaint – none was filed
0098	2	Y	N	AD	Sustained	Officer failed to qualify with duty weapon
0099	M-file	Y	N	AD	Closed – resolved by division	Citizen complainant; inconsiderate contact
0100	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; driving habits – speeding
0101	M-file	Y	N	AD	NDI	Officer failure to abide by order.

0102	M-file	Y	N	AD	Ongoing	Officer failure to abide by order
0103	1	Y	N	AD	Ongoing	Citizen complaint; incomplete investigation; inconsiderate contact
0104	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; failure to take police action
0105	2	Y	N	AD	Not Sustained	Citizen complaint; inconsiderate contact
0106	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; rudeness
0107	M-file	Y	N	AD	Closed – info only	Citizen complaint; improperly cited
0108	1	Y	Y	PA Unfounded	Unfounded	Citizen complaint; excessive force during arrest; planting evidence; damaged property
0109	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; driving habits
0110	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; driving habits
0111	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; inconsiderate contact; failure to identify as officer
0112	M-file	Y	N	AD	Closed – info only	Citizen complaint; false report
0113	1	Y	Y	PA Unfounded	Ongoing	Citizen complaint; excessive force and damage to property
0114	2	Y	N	AD	Ongoing	Citizen complaint; rudeness and use of profanity
0115	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; driving habits – caused accident
0116	2	Y	N	AD	Not Sustained	Citizen complaint; profanity and rudeness
0117	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; incomplete investigation
0118	1	Y	N	AD	Ongoing	Citizen complaint; failure to take action on suicide call
0119	M-file	Y	N	AD	Closed – info only	Citizen complaint; items seized during warrant – recanted

0120	M-file	Y	N	AD	Closed – info only	Citizen complaint; unnecessary truck insp.
0121	M-file	Y	N	AD	NDI	Citizen complaint; failure to write a report
0122	1	Y	N	PA Sustained	Exonerated	Citizen complaint; unlawful search; rudeness
0123	1	Y	N	Ongoing	Ongoing	Citizen complaint; conduct unbecoming; threatening; harassment; failure to abide by law
0124	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; driving habits
0125	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; rudeness
0126	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; officers stereotyping her son; harassment
0127	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; inconsiderate contact
0128	M-file	Y	N	AD	Ongoing	Citizen complaint; inaccurate information given by officer
0129	M-file	Y	N	AD	Closed – info only	Citizen complaint; insufficient investigation
0130	1	Y	N	AD	Unfounded	Domestic violence and arrest by Layton Police
0131	M-file	Y	N	AD	Closed – resolved by division	Citizen complaint; rudeness
0132	2	N	N	AD	Ongoing	Inappropriate comments made in presence of new employees about city policy
0133	M-file	Y	N	AD	Ongoing	Citizen complaint; inconsiderate contact
0134	M-file	Y	N	AD	Closed – info only	Citizen complaint; performance of duty and handling of case
0135	2	N	N	AD	Ongoing	Dispatcher failed to report to work.
0136	2	N	N	AD	Ongoing	Dispatchers lack of support for coworkers
0137	M-file	Y	N	AD	Closed – info only	Citizen complaint; failure to investigate.
0138	M-file	N	N	AD	Closed – info only	Employee tardy for 3 <sup>rd</sup> time in a year
0139	M-file	Y	N	AD	Ongoing	Citizen complaint; inconsiderate contact

0140	2	Y	N	AD	Not Sustained	Citizen complaint; inconsiderate contact
0141	1	Y	Y	Ongoing	Ongoing	Citizen complaint; excessive force during arrest; inconsiderate
0142	M-file	Y	N	AD	Ongoing	Citizen complaint; driving habits
0143	2	Y	N	AD	NDI	Citizen complaint; driving habits
0144	M-file	Y	N	AD	NDI	Failure to make a report
0145	M-file	Y	N	AD	Closed – info only	Citizen complaint; parking citation
0146	1	Y	Y	Ongoing	Ongoing	Citizen complaint; inappropriate force
0147	M-file	Y	N	AD	Ongoing	Citizen complaint; inconsiderate contact
0148	2	Y	N	AD	Ongoing	Citizen complaint; inconsiderate contact
0149	M-file	Y	N	AD	Closed – info only	Citizen complaint; trumped-up charges
0150	M-file	Y	N	AD	Closed – info only	Citizen complaint; stolen evidence
0151	M-file	N	N	AD	NDI	Failure to report damage to city vehicle
0152	M-file	Y	N	AD	Closed – info only	Citizen complaint; driving habits
0153	M-file	Y	N	AD	Closed – info only	Citizen complaint; unlawful arrest
0154	M-file	Y	N	AD	NDI	Failure to timely submit a report
0155	1	Y	Y	Ongoing	Ongoing	Citizen complaint; inappropriate force
0156	M-file	Y	N	AD	Ongoing	Citizen complaint; rudeness
0157	1	Y	N	Ongoing	Ongoing	Citizen complaint; corrupt officer; offer to make evidence disappear
0158	2	Y	N	A/D	Ongoing	Citizen complaint; driving habits
0159	M-file	Y	N	A/D	Ongoing	Citizen complaint; rudeness
0160	M-file	Y	N	AD	NDI	Reported late to line-up
0161	2	N	N	AD	Ongoing	Employee took leave without pay
0162	2	Y	N	AD	Ongoing	Inconsiderate contact; inaccurate report
0163	2	N	N	AD	Ongoing	Inappropriate email
0164	1	Y	Y	Ongoing	Ongoing	Citizen complaint; unlawful stop; excessive force
0165	1	N	N	AD Civilian Employee	Ongoing	Accessed confidential information

**OVERVIEW of IA MATTERS (2<sup>nd</sup> Quarter 2009)**

118 Total Internal Affairs (IA) Matters

-25 Administrative (23 Accidents, 2 Firearm Discharges)

-95 IA Cases

--Cat 1 16

---9 allege "Use of Force" in some manner

--Cat 2 21

--M Files 58

Personnel Involved

-85 Sworn

--36 involve Rudeness, Inconsiderate Contact, and/or poor Driving Habits

-10 Civilian Employees (Significant increase from last quarter)