

**SALT LAKE CITY POLICE CIVILIAN REVIEW BOARD
3rd QUARTERLY REPORT 2017**

October 24, 2017

PANELS/POLLS

Note: the use of the letter S denotes the subject officer(s)

Panels/Polls initiated in the 3rd quarter of 2016 with case numbers included in that chart:

S2016-0021

Allegation: S – Improper Use of Force: OIS

Panel Recommend: S – Within Policy

SLCPD Finding: S – In Policy

Panels/Polls initiated in the 2nd quarter of 2017 with case numbers included in that chart:

C2017-0037

Allegation: S – Improper Use of Force

Panel Recommend: S – Exonerated

SLCPD Finding: S – Not Sustained

C2017-0039

Allegation: S – Improper Use of Force

Panel Recommend: S – Unfounded

SLCPD Finding: S – Not Sustained

C2017-0043

Allegation: S – Improper Use of Force

Panel Recommend: S – Unfounded

SLCPD Finding: S – Not Sustained

C2017-0044

Allegation: S – Improper Use of Force

Panel Recommend: S – Exonerated

SLCPD Finding: S – Not Sustained

S2017-0013

Allegation: S – Improper Use of Force-Deadly Force

Panel Recommend: S – Within Policy

SLCPD Finding: S – Within Policy

Panels/Polls initiated in the 3rd quarter of 2017 with case numbers included in that chart:

C2017-0062

Allegation: S – Inconsiderate Contact
S - Use of Force Reports
S/S1 – Obligation to Abide Policy/Orders

Panel Recommend: S/S1 – Sustained

SLCPD Finding: S/S1 – Sustained

C2017-0071

Allegation: S – Use of Force

Panel Recommend: S – Unfounded

SLCPD Finding: S – Not Sustained

Trends/Issues Identified and Relayed to the Police Department

The adoption of the Code 909 procedure was a sound decision that PCRB fully supported at the time it was instituted, in part due to a PCRB recommendation. But, based upon a recent case, it is clear that it has not become fully adopted by the rank and file of the Department. It is therefore recommended that a "Chief's memo" be sent to all employees reminding them of the procedure and how it can be used to defuse an escalating situation prior to a bad outcome occurring.

The supervisor over training should ensure that any new topics, agreements, MOUs that he/she becomes aware of, are distributed to the entire department, with special emphasis on units that these types of changes most directly affect. Since an informal agreement between the SLCPD and the U of U did in fact exist at the time of an incident, concerning blood draws, it seems as if that knowledge was not distributed.

PCRB has spoken on Search/Seizure related topics ten times since July of 2009, in various Quarterly Reports. Informal discussions have also occurred wherein this continuing area needs to be constantly updated to the rank and file of the Department. This is not an unusual situation since as officers' progress in their careers, they get further and further away from their initial training given during their Police Academy days. A case recently identified the need for officers to know who their assigned City Attorney was so that they could contact him when a legal need arose, and this was done by a Chief's Memo. It has also been previously recommended that the SLCPD set up a regular training cycle so that evolving legal issues could be discussed since Search & Seizure is an ever changing area of the law. This ongoing training cycle needs to be examined and honed in such a way to attempt to prevent officers from not knowing the changes that have occurred.

Additionally, based upon a recent case, one of four officer "blood technicians" was unaware of the law in his area of "expertise". PCRB therefore recommends that the SLCPD not only examine their ongoing, Department wide training program but that it identify specific officers in "specialty" assignments, such as Blood Techs, SWAT Officers, Drug Investigators, Canine Officers, Gang Investigators, Bomb Techs, Fusion Center employees, to name some of the units, and give them an additional four hour legal training course every year that specifically addresses the items of the law that they will most likely encounter in their daily work. This specialized legal training should also be included in their initial training when joining a specialized unit.

Lastly, on this same topic, in a recent case it became clear that had any of the involved officers been able to contact their staff attorney, or better said, thought to contact him, the matter would have been stopped once a citizen presented the printed out policy/law on an issue. Other agencies use a Principal Legal Advisor who can be called at any time, to get a legal opinion from. This not only protects the citizens from unlawful searches, it also protects the officers from making a mistake while honestly doing their duty. It is PCRB's opinion that had any of the officers made contact with their Department Legal Advisor, this entire situation would have been stopped very early in the conflict over their respective conflicting opinions. The SLCo District Attorney's Office has an "attorney of the day", an on-call attorney who is there to provide guidance on a myriad of issues. A call to this person, since no attempt was made to contact their own assigned attorney, also would have provided the proper guidance. The SLCPD must establish and use some system that allows officers to get up to date legal advice when they encounter unusual situations.

Internal Affairs Cases
July 1 – September 30, 2017

26 Vehicle accidents
0 Intelligence cases
5 Pursuits
4 Firearms discharge
29 IA cases

Dispositions: AD: Administratively Declined
PO: Polled the PCRB
PA: PCRB Panel Held

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
C2017-0051	M-File	Y	N	AD	Handled in Division	Officer attempted to “friend” a victim through Facebook.
0052	1	Y	N	AD	Sustained	Officer ignored oil change request until engine failed.
0053	2	Y	N	AD	Handled by Bureau	Complainant stated officer caused his son to tip his motorcycle.
0054	M-File	Y	N	AD	Closed-Info Only	Complaint regarding two officers that don’t work for SLCPD. Repeat caller.
0055	1	Y	Y	Pending Panel	Open	Officer accused of excessive force in DV arrest.
0056	2	Y	N	AD	Not Sustained	Complainant said officers were rude to handicapped son.
0057	1	Y	N	AD	Not Sustained	Officer accused of harassing communication while off duty.
0058	1	Y	Y	AD	Not Sustained	Complainant says officers used too much force while arresting daughter for DV.
0059	M-File	Y	N	AD	Handled by Bureau	Complainant felt officer was intimidating while investigating his call.
0060	2	Y	N	AD	Not Sustained	Complainant said officer was rude and inconsiderate and was hiding evidence.
0061	M-File	Y	N	AD	Unfounded	Complainant felt officer was rude and inconsiderate for citing

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
						him and towing vehicle while parked in a red zone with no license or insurance.
0062	1	Y	Y	PA	Open	Complainant stated too much force and wrongful arrest occurred.
0063	2	Y	N	AD	Sustained	Officer made inappropriate comments on a "go fund me" page.
0064	2	Y	N	AD	Resolved by Bureau	Complainant said officer was rude and inconsiderate.
0065	1	N	N	AD	Sustained	Employee did not disclose prior arrest.
0066	1	Y	Y	Pending	Open	Potential inappropriate use of force.
0067	1	N	N	AD	Sustained	Employee acting irrational failed drug test.
0068	M-File	Y	N	AD	Open	Complainant feels Sgt. was rude to him.
0069	2	Y	N	AD	Open	Officer failed to report for duty on time two days in a row.
0070	1	Y	Y	Pending	Open	Complainant feels officers used excessive force on her husband because he is black and she is white.
0071	2	Y	N	PO	Not Sustained	Officers failed to arrest on a felony DV warrant.
0072	Info Only	Y	N	AD	Documentation Only	Inadvertent entry made by field commander.
0073	2	Y	N	AD	Open	Complainant says officer failed to do a report and help on a service call.
0074	M-File	Y	N	AD	Resolved by Bureau	Complainant says an officer yelled at her.
0075	1	N	N	AD	Open	Opened in conjunction with a hit and run by an employee.
0076	M-File	Y	N	AD	Resolved by Bureau	Complainant says two officers appeared to be drag racing.
0077	2	Y	N	Pending	Open	Complainant felt officers singled him out for a trespassing citation.
0078	2	Y	N	AD	Open	Complainant felt officers

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
						wrongly handled a custodial dispute.
0079	1	Y	Y	Pending	Open	Complainant alleges excessive force was used during a call for service.
P2017-0010	Pursuit	Y	N	AD	In Policy	Officers pursued armed robbery suspect.
0011	Pursuit	Y	N	AD	In Policy	Officers pursued kidnapping suspect.
0012	Pursuit	Y	N	AD	In Policy	Officers pursued robbery suspect.
0013	Pursuit	Y	N	AD	Open	Officers pursued shooting suspect.
0014	Pursuit	Y	N	AD	Open	Officers pursued aggravated assault suspect.
S2017-0014	Firearm Discharge	Y	N	AD	In Policy	Injured fawn.
0015	Firearm Discharge	Y	N	AD	In Policy	Charging cougar.
0016	Firearm Discharge	Y	Y	Pending	Open	Suspect wanted on felony warrants broke free from officers and produced a knife.
0017	Firearm Discharge	Y	Y	PA	Open	Suspect physically attacked two officers sent them to the hospital.

OVERVIEW of IA MATTERS (3rd Quarter 2017)

76 Total Internal Affairs (IA) Matters

-35 Administrative (26 Accidents; 4 Firearm Discharges; 5 Pursuits)

-29 IA Cases

--Cat 1 11

---6 allege "Use of Force" of some manner

--Cat 2 10

---0 "Use of Force" allegations

--M Files 7

--Complaint 0

--Information Only 1

Personnel Involved

-26 Sworn

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

-3 Civilian Employees