

SALT LAKE CITY POLICE CIVILIAN REVIEW BOARD QUARTERLY REPORT

July 1, 2010

PANELS

Panels listed on the 1st Quarterly Report but still pending at that time within the SLCPD:

C2010-0019

Allegation: Conduct Unbecoming of an Officer

Panel Recmnd: Sustained

SLCPD Finding: Sustained

C2010-0055

Allegation: Unnecessary Force

Panel Recmnd: Unfounded

SLCPD Finding: Not Sustained

C2010-0060

Allegation: Conduct Unbecoming an Officer

Panel Recmnd: Unfounded

SLCPD Finding: Not Sustained

Panels initiated in the 1st quarter with case numbers included in that chart:

C2009-0058

Allegation: Excessive Force

Panel Recmnd: Exonerated

SLCPD Finding: Not Sustained

C2009-0061

Allegation: Unlawful Detention

Panel Recmnd: Exonerated

SLCPD Finding: Not Sustained

C2009-0062

Allegation	Excessive Force
Panel Recmnd:	No Determination is Possible
SLCPD Finding:	Not Sustained

Panels with cases initiated and reported upon this quarter:**C2010-0081**

Allegation:	Excessive Force
Panel Recmnd:	Unfounded
SLCPD Finding:	Not Sustained

C2010-0086

Allegation:	Excessive Force
Panel Recmnd:	Exonerated
SLCPD Finding:	Not Sustained

C2010-0089

Allegation:	Inappropriate Use of Force and Accepting Bribes
Panel Recmnd:	Unfounded/Unfounded
SLCPD Finding:	Not Sustained

C2010-0091

Allegation:	Excessive Force and Evidence Mishandling
Panel Recmnd:	Exonerated/Unfounded
SLCPD Finding:	Not Sustained

C2010-0115

Allegation:	Racial Profiling and Planting Evidence
Panel Recmnd:	Exonerated/Unfounded
SLCPD Finding:	Not Sustained

C2010-0131

Allegation:	Excessive Force (Three officers)
Panel Recmnd:	Exonerated (2 off.)/No Determination is Possible
SLCPD Finding:	Not Sustained

C2010-0134

Allegation:	Excessive Force
Panel Recmnd:	Exonerated
SLCPD Finding:	Active

Trends/Issues Identified and Relayed to the Police Department

A number of trends were identified this quarter while reviewing overall data. Two involved specific officers who will be identified herein as Officer A and Officer B. Salt Lake City Police Department Administration was made aware of the officer's names and the concerns detailed below:

Since Sept of 2008, Officer A has had five complaints filed against him/her, two of which involved "use of force" issues, failure to write written reports, failure to follow Department directives and a Conduct Unbecoming allegation. PCRB held panels on both "force" cases and in one case rendered a "No Determination Is Possible" finding and in the other case "Sustained" the use of force allegation as well as the Conduct Unbecoming allegation. The findings speak for themselves and reflect the best judgment of the Panel with the evidence available. However, when looking at the entire situation and the documentation that this officer has failed to submit, it is very troubling as it leads to the assumption that the officer has either a poor work habit or is intentionally not documenting his/her actions. PCRB recognizes that occasionally officers will be caught running from call to call and actually fail to document a specific reportable incident due to simple oversight but this must be prevented for a myriad of reasons but certainly high on that list is potential legal exposure or the loss of prosecution on the given forgotten matter. Failure to document actions repeatedly gives great pause to anyone examining the work product of this officer. PCRB is greatly concerned about this situation as it relates to this officer.

Officer B from April of 2009 until today has had four "force" related complaints leveled against him/her. All four cases were heard by a Panel of PCRB, each Panel consisting of different Board members. In three of those cases B was "Exonerated" on the allegation(s) and in the fourth, the Panel found the allegation to be "Unfounded". In each case, based upon the facts known, B acted appropriately and in a manner consistent with SLCPD Policy and the law. However, based upon this significant number of cases in such a short time frame, three of which definitively involved some use of force, PCRB is alarmed at this statistical abnormality and wants to remind all officers that although policy *allows* the use of force in specific situations, it does not *mandate* the use of force. PCRB is concerned that B may be quick to employ force while his/her peers take a more measured approach. In no way is PCRB implying that in any given case did B take improper actions, but in the aggregate, it can be inferred that his/her approach differs greatly from that of his/her co-workers, who have not had this significant number of allegations. PCRB also recognizes that an officer who is responsive to dispatch calls and

calls for assistance from other officers may find themselves on-scene with a combative citizen more often than the average officer. PCRB would recommend that the Police Administration take a thorough review of B's actions and provide the necessary training to ensure that this anomaly is statistical in nature and not an indication of an overly aggressive officer.

On a positive note, PCRB takes great pride in recognizing that the SLCPD is not following a national trend involving cases being termed "Contempt of Cop" type of charges. The PCRB Administrator is a member of the national and international associations which provide civilian oversight of law enforcement and as such, is provided daily updates of trends affecting similar organizations and cities across the world. Recently, a very significant situation has been noted nationwide wherein police agencies have made arrests related to "contempt of cop". These types of cases include arrests for citizens watching other arrests, or videotaping police actions, or in the most extreme cases the use of profane and offensive language directed at officers. A notable example of this type of case was recently documented in Cambridge, MA, with extensive news coverage. PCRB has not fielded a single similar complaint involving SLCPD officers and wants to commend the Department for their training and professionalism in this area. The use of offensive language or the taunting of officers is clearly bad behavior on the part of any observer but unless such acts are designed to initiate a riot or similar violent acts by others they are not crimes and should not be handled as crimes. PCRB notes the professionalism of the SLCPD officers and the fact that minor charges such as Interfering with an Arrest or Obstruction of Justice arrests in these situations are not being used by officers. Unlike other cities across the United States, the SLCPD has not had a single allegation made against them for these types of "free speech" issues.

Internal Affairs Cases

April 1 – June 30, 2010

21 Vehicle accidents

1 Intelligence cases

4 Pursuits

4 Firearms discharge – 2 Officer Involved/2 Injured Animal

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
C2010-0078	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-Officer stalking her
0079	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-rudeness
0080	2	Y	N	AD	Not Sustained	Citizen complaint-Officer used "tainted" photo spread
0081	1	Y	Y	PA	Not Sustained	Excessive Force
0082	M-file	Y	N	AD	Closed-Resolved by division	Citizen complaint-driving habits; speeding
0083	M-file	N	N	AD	Closed-Resolved by division	Complaint about Police Chaplain driving habits
0084	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-driving habits; speeding
0085	M-file	Y	N	AD	Closed-Info Only	Misdemeanor conduct by an off duty Officer
0086	1	Y	Y	PA	Not Sustained	Excessive Force
0087	M-file	Y	N	AD	Closed-Resolved by division	Citizen complaint-rudeness
0088	M-file	N	N	AD	Closed-Info Only	Citizen expressing concern over the handling of a stolen vehicle.
0089	1	Y	Y	PA	Not Sustained	Inappropriate Use of Force and Accepting Bribes
0090	M-file	Y	N	AD	Closed-Resolved by division	Citizen complaint-driving habits; speeding
0091	1	Y	Y	PA	Not Sustained	Excessive Force and Evidence Mishandling
0092	M-file	Y	N	AD	Closed-Resolved by division	Anonymous complaint of an Officer improperly using a social network site
0093	1	Y	N	AD	Closed-Info	Citizen complaint-sexual

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
					Only	harassment by a SLCPD Officer and a UHP Officer
C2010-0094	M-file	Y	N	AD	Closed-Info Only	Inappropriate Taser use; no complaint filed
0095	M-file	Y	N	AD	Closed-Resolved by Division	Failure to abide by subpoena
0096	1	Y	N	AD	Sustained	Officer failed to show respect to subordinates including use of profanity and inappropriate physical contact
0097	M-file	N	N	AD	NDI	Failure to comply with Chief's memo
0098	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-harassment
0099	2	Y	N	AD	Sustained	Officer failed to successfully qualify with their duty weapon
00100	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint-inconsiderate contact
00101	M-file	N	N	AD	NDI	Documented "poor" work performance by a senior civilian employee
00102	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint-rudeness
00103	1	Y	N	AD	Not Sustained	Citizen complaint-Officer not fit for duty due to a pattern of slow decline
C2010-00104	M-file	Y	N	AD	NDI	Failed to comply with Sergeant's instructions
00105	2	Y	N	AD	Sustained	Officer failed to successfully qualify with their duty weapon
00106	2	Y	N	AD	Sustained	Officer failed to successfully qualify with their duty weapon
00107	2	Y	N	AD	Sustained	Failure to be on time to line up on numerous occasions
00108	M-file	Y	N	AD	Closed-Info Only	Citizen concerns addressed prior to filing complaint
00109	2	Y	N	AD	Not Sustained	Failure to report for duty
00110	2	Y	N	AD	Not Sustained	Citizen complaint-inconsiderate contact
00111	2	Y	N	AD	Not Sustained	Citizen complaint-improper impoundment of vehicle
00112	2	Y	N	AD	Sustained	Officer failed to

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
						successfully qualify with their duty weapon
C2010-00113	1	Y	N	AD	Active	Failure to perform duty
00114	M-file	Un-known	N	AD	Closed-Info Only	Complainant left message with no details regarding complaint
00115	1	Y	N	PA	Not Sustained	Evidence Mishandling
00116	2	Y	N	AD	Active	Citizen complaint-improperly handled traffic stop and rudeness
00117	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-threat
00118	1	Y	N	AD	Active	Failed to complete sponsored training and actions unbecoming of an Officer on an out of state training trip
00119	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint-Officer smoking in vehicle and throwing cigarette butt out window
00120	2	N	N	AD	Active	Failure to report for work or give 15 minute notification
00121	1	Y	N	AD	Active	Officer disclosed confidential information to non-law enforcement family members
00122	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-regarding the validity of an issued citation for noise
00123	2	Y	N	AD	Sustained	Officer failed to successfully qualify with their duty weapon
00124	M-file	Y	N	AD	Active	Citizen complaint-driving habits; speeding
00125	2	Y	N	AD	Active	Citizen complaint-driving habits; speeding
00126	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-alleges Officers placed a tracking device on his vehicle
00127	1	Y	N	Active	Active	Officer charged with disorderly conduct by the city of Cottonwood Heights
00128	M-file	Y	N	AD	Active	Citizen complaint-driving habits; speeding
00129	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-inconsiderate contact

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
C2010-00130	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint-inconsiderate contact, rudeness
00131	1	Y	Y	PA	Not Sustained	Excessive Force
00132	1	Y	Y	Pending	Active	Excessive Force
00133	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint-driving habits; tailgating
00134	1	Y	Y	PA	Active	Excessive Force
00135	M-file	Y	N	AD	NDI	Officer failed to secure weapon
00136	M-file	Y	N	AD	Active	Citizen complaint-claims to be "gang stalked" by Officers
00137	M-file	Y	N	AD	Closed-Info Only	Business owner concerned about an employee arrest but filed no complaint
00138	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-driving habits; speeding
00139	1	Y	Y	Pending	Pending	Improper Force
00140	M-file	Y	N	AD	Closed-Info Only	Citizen had inquiry of a traffic stop but no concerns
00141	M-file	Y	N	AD	Closed-Info Only	Citizen complaint-thinks officers are using fiber optic recording devices in his home
00142	M-file	Y	N	AD	Active	Citizen complaint-inconsiderate contact
00143	M-file	Y	N	AD	Closed-Info Only	South Jordan Police responded to officer's home and witness nothing of criminal nature.
00144	M-file	Y	N	AD	NDI	Citizen complaint-Officer threatened to shoot her dog
00145	M-file	Y	N	AD	Closed-Resolved by Division	Officers responded to an unattended death
00146	M-file	Y	N	AD	Active	Citizen complaint-rudeness
00147	M-file	Y	N	AD	NDI	Officer was late for line up
00148	1	Y	N	Pending	Active	Complainant-alleges Officer took a large amount of currency from him
00149	1	Y	N	Pending	Active	Citizen complaint-inconsiderate contact, rudeness, missing evidence
00150	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint-driving habits; not watching for pedestrians

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
C2010-00151	2	Y	N	Pending	Active	Citizen complaint-rudeness, failure to summon medical attention
00152	1	Y	N	Pending	Active	Citizen complaint-improper contact, improper search
00153	1	Y	N	AD	Active	Complainant alleges officer improperly listed charges on an information
00154	M-file	Y	N	AD	Closed-Resolved by Division	Complainant alleges improper documentation of a homicide case from 1998.
00155	2	Y	N	AD	Active	During lineup Officer was disrespectful to the Dispatch Supervisors
00156	1	N	N	Pending	Active	Dispatcher notified an off duty employee of a complaint to the field supervisor
00157	M-file	N	N	AD	Closed-Info Only	Complainant does not allege any misconduct against an employee of SLCPD
S10-009	Firearm Discharge	Y	Y	PO-Declined	Not Sustained	Deadly Force Policy
S10-010	Firearm Discharge	Y	Y	PO-Declined	Not Sustained	Deadly Force Policy

OVERVIEW of IA MATTERS (2nd Quarter 2010)

110 Total Internal Affairs (IA) Matters

-30 Administrative (21 Accidents; 4 Firearm Discharges, 4 Pursuits, 1 Intelligence case)

-80 IA Cases

--Cat 1 21

---8 allege "Use of Force" in some manner

--Cat 2 15

--M Files 44

Personnel Involved

-72 Sworn

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

-7 Civilian Employees

-1 Unknown