

**SALT LAKE CITY POLICE CIVILIAN REVIEW BOARD  
1<sup>st</sup> QUARTERLY REPORT**

**April 25, 2012**

**PANELS**

Panels initiated in the 4<sup>th</sup> quarter with case numbers included in that chart:

**C2011-0203**

Allegation:	Failure to Provide Supervision (S3)/Failure to Provide Supervision (S7)
Panel Recmnd:	Sustained (S3)/ No Determination is Possible (S7)
SLCPD Finding:	Pending (S3)/ Pending (S7)

**C2011-0209**

Allegation:	Racial Profiling
Panel Recmnd:	Unfounded
SLCPD Finding:	Pending

**C2011-0210**

Allegation:	Conduct Unbecoming
Panel Recmnd:	Sustained
SLCPD Finding:	Pending

**C2011-0215**

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

**S2011-0017**

Allegation:	Improper Use of Deadly Force
Panel Recmnd:	Sustained
SLCPD Finding:	Pending

Panels with cases initiated and reported upon this quarter:

**C2012-0002**

Allegation: Abiding by Policy/Procedures-Improper Search/Seizure-Mishandling Evidence (Six Officers)  
Panel Recmnd: Sustained-Sustained-Sustained (All Officers)  
SLCPD Finding: Pending

**C2012-0003**

Allegation: Improper Search and Seizure (Five Officers)  
Panel Recmnd: Sustained (All Officers)  
SLCPD Finding: Sustained

**C2012-0011**

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

**C2012-0013**

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

**C2012-0016**

Allegation: Racial Profiling-Inappropriate Use of force  
Panel Recmnd: Exonerated-Exonerated  
SLCPD Finding: Pending

**C2012-0018**

Allegation: Inappropriate Use of Force  
Panel Recmnd: Unfounded  
SLCPD Finding: Not Sustained

**C2012-0028**

Allegation: Inconsiderate Contact  
Panel Recmnd: No Determination is Possible  
SLCPD Finding: Pending

## **Trends/Issues Identified and Related to the Police Department**

This quarter continued with multiple but unrelated investigations as well as a series of cases surrounding a single unit, all of which were loosely related to an officer involved shooting, S11-0017. As a result of that “Use of Deadly Force” investigation, a number of other allegations came to light concerning the officers of this unit, resulting in five related investigations being conducted. After nearly four months of investigation, it was determined that the officers involved had misapplied and/or misunderstood policies involving evidence storage and search and seizure law. Numerous incidents of misapplying, or not understanding, proper search procedures were uncovered which include issues with “Protective Sweeps” and “Safe Keeping” to name the two most commonly misapplied procedures. Additionally, officers failed to properly, and in a timely manner, secure seized evidence, which could be problematic if later prosecutions were to occur. As these cases were being investigated, PCRБ communicated routinely with the SLCPD Administration on issues identified and PCRБ can report that immediate corrective actions were undertaken to stem these mistakes. Equally important when discussing issues related to “Search and Seizure” mistakes is the determination of the officer’s actions/motivations when mistakes occurred. There is no evidence that any officer intentionally violated policies in an effort to gain an investigative edge, or to plant evidence, or to suppress exculpatory evidence. The missteps once again seem to be a lack of current knowledge on the intricacies’ involved in Search and Seizure law/policy. The failure to abide by Department rules involving the storage of evidence sprang from an improper impression that evidence can be temporarily stored in places other than the evidence room if that other location is secured and access limited. The SLCPD has taken steps to ensure these mistakes are not repeated by the officers involved as well as ensuring other units are abiding by Department policies within these two categories of mistakes.

The SLCPD may want to consider using an “inspection process” to conduct inspections of units to ensure compliance not only with easily identified issues such as the booking of evidence, but even on the more complicated issues such as application of lawful exceptions to the Search and Seizure portion of their policy manual, as well as other issues. If such an approach is adopted, it may be beneficial to use the model of having an overall “Inspector-In-Charge”, who is not directly in the chain of command of the Department; “Inspector-In-Place”, who is at least a Lieutenant in the Department; and finally a number of “Assistant Inspectors-In-Place” (AIIP) who are up and coming Department members. This process not only can increase adherence to policy within the inspected units it has an equally important role of training AIIPs, who will become the leaders of tomorrow, about the nuances and functions of all the units of the Department. Through an effective inspection process, issues can be fixed via this process rather than being addressed only after an incident or complaint is lodged.

Internal Affairs Cases  
January 1 – March 31, 2012

25 Vehicle accidents  
0 Intelligence cases  
1 Pursuit  
3 Firearms discharge –2 Injured Deer/1 Aggressive Dog  
41 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
C2012-0001	M-file	N	N	AD	Closed Info Only	Citizen complaint- no validity to complaint, citizen known to have mental illness issues.
0002	1	Y	N	PA	Sustained	Officer violated various Vice Unit policies and procedures.
0003	1	Y	N	PA	Sustained	Officers entered a business unlawfully and seized property.
0004	2	N	N	AD	Sustained	Employee failed to report for normal working shift.
0005	M-file	Y	N	AD	Closed-Info Only	Citizen complaint- Concern with officers conduct upon entering their apartment.
0006	1	Y	Y	AD	Closed-Info Only	Citizen complaint- Officer used inappropriate force. IA was not able to contact citizen nor did they return any calls.
0007	M-file	N	N	AD	Closed-Info Only	Citizen complaint- Officers evicted citizens from a motel/hotel at management's request.
0008						Duplicate case-this number will be used next quarter
0009	2	N	N	AD	Not Sustained	Employee abused FMLA leave.
0010	M-file	Y	N	AD	Closed-Info Only	Citizen complaint- Officers failed to perform proper investigation. Citizen requested full finger print sweep of their

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
						apartment for evidence in investigation.
0011	1	Y	Y	PA	Not Sustained	Citizen complaint- Officers used excessive force when arresting citizen.
0012	2	N	N	AD	Sustained	Dispatcher did not adhere to policies and procedures related to job duties.
0013	1	Y	Y	PA	Not Sustained	Citizen complaint- Officers used inappropriate force when arresting citizen.
0014	2	Y	N	AD	Not Sustained	Citizen complaint- Officer was rude during traffic stop.
0015	M-file	Y	Y	AD	Closed-Info Only	Citizen complaint- Unknown officer used improper force.
0016	1	Y	Y	PA	Not Sustained	Citizen complaint- Officers profiled citizen and used unreasonable force while making arrest.
0017	2	Y	N	AD	Sustained	Detective was not reporting for duty at scheduled time and taking lunch breaks outside city limits without authorization.
0018	1	Y	Y	PA	Not Sustained	Citizen complaint- Officers used inappropriate force during arrest.
0019	1	Y	N	AD	Not Sustained	Citizen complaint- Off-duty officer acted unprofessional during verbal confrontation.
0020	M-file	Y	N	AD	NDI	Officer failed to appear in court.
0021	M-file	N	N	AD	NDI	Employee failed to complete Harassment Training.
0022						Duplicate case-this number will be used next quarter
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0024	M-file	Y	N	AD	NDI	Officer researched a family member's history and provided them with a printed record.

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0025	M-file	N	N	AD	NDI	Dispatcher did not follow proper dispatch procedures.
0026	1	Y	N	Pending	Not Sustained	Citizen complaint- Officer mishandled cash after citizen arrest.
0027	1	Y	N	AD	Sustained	Lieutenant is direct contact officer on several regularly occurring part time jobs, when only allowed direct contact for one regularly occurring job
0028	2	Y	N	PA	Open/Active	Citizen complaint- Officer made inconsiderate comments during investigation.
0029	M-file	Y	N	AD	NDI	Officer received NDI for policy on Reports and Elder Adult Protocol.
0030	M-file	Y	N	AD	Closed-Info Only	Citizen complaint- Officer driving recklessly.
0031	1	Y	N	Pending	Open/Active	Citizen complaint- Captain is not performing duty as it relates to State Sexual Offender Registry List.
0032	M-file	N	N	AD	Closed-Info Only	Citizen complaint- Concerned with manner blood was drawn from their son.
0033	M-file	Y	N	AD	Closed-Resolved by Division	Citizen complaint- Officer following too close and speeding on freeway.
0034	1	Y	N	Pending	Open-Active	Citizen complaint- Citizen believes officers took money belonging to them during a vehicle impound.
0035	M-file	Y	N	AD	Closed-Info Only	Citizen complaint- Concern for an officer's time spent with a young girl (14). No complaint of misconduct made.
0036	M-file	N	N	AD	Closed-Info Only	Citizen complaint- Concern that their son was listed as a gang member affiliate.
0037	1	Y	N	AD	Open/Active	Citizen complaint- Off-duty officer was rude, made contact with citizen, and refused to provide identifying information to

File #	Category	Sworn Y / N	Use of Force Y / N	Disposition	Status	Summary
						citizen during encounter.
0038	M-file	N	N	AD	Closed-Resolved by Division	Citizen complaint- On going civil dispute between employee and citizen.
0039	M-file	N	N	AD	NDI	Dispatch Supervisors did not complete required training.
0040	2	Y	N	AD	Open/Active	Citizen complaint- Officer did not accurately report traffic accident.
0041	2	Y	N	AD	Open/Active	Citizen complaint- Citizen feels officer harassed them by issuing a traffic citation.
0042	1	Y	N	Pending PO	Sustained	Officer was operating a vehicle while DUI.
0043	M-file	Y	N	AD	NDI	Officer received NDI for policy on Leave Abuse.
0044	2	Y	N	AD	Open/Active	Citizen complaint- Officer was unprofessional.
S12-0001	Firearm Discharge	Y	N	AD	In Policy	Injured Deer
S11-0002	Firearm Discharge	Y	N	AD	In Policy	Injured Deer
S11-0003	Firearm Discharge	Y	N	AD	In Policy	Aggressive Dog

### **OVERVIEW of IA MATTERS (3rd Quarter 2011)**

70 Total Internal Affairs (IA) Matters

-29 Administrative (25 Accidents; 3 Firearm Discharges; 1 Pursuit)

-41 IA Cases

--Cat 1 14

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

--Cat 2 9

--M Files 18

Personnel Involved

-30 Sworn

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

-11 Civilian Employees