

SALT LAKE CITY POLICE CIVILIAN REVIEW BOARD QUARTERLY REPORT

January 17, 2012

PANELS

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

C2011-0108

Allegation: Unlawful Entry (S)/Failure to file Police Report (S)/Unlawful Entry & Improper Search of Home (S1)

Panel Recmnd: Sustained (S)/ Sustained (S)/ Exonerated (S1)
SLCPD Finding: Sustained (S)/ Sustained (S)/ Not Sustained (S1)

C2011-0127

Allegation: Conduct Unbecoming an Officer

Panel Recmnd: Sustained
SLCPD Finding: Sustained

C2011-0128

Allegation: Failure to take Police Action/Failure to Document

Panel Recmnd: Sustained/Sustained
SLCPD Finding: Sustained

C2011-0133

Allegation: Failure to take Police Action

Panel Recmnd: Sustained
SLCPD Finding: Sustained

C2011-0150

Allegation: Inconsiderate Contact

Panel Recmnd: Sustained
SLCPD Finding: Sustained

Panels with cases initiated and reported upon this quarter:

C2011-0155

Allegation: Mishandling of Evidence

Panel Recmnd: Unfounded
SLCPD Finding: Not Sustained

C2011-0161

Allegation: Improper Use of Force

Panel Recmnd: No Determination is Possible
SLCPD Finding: Not Sustained

C2011-0163

Allegation: Inappropriate Use of Force

Panel Recmnd: Exonerated
SLCPD Finding: Not Sustained

C2011-0166

Allegation: Inappropriate Use of force

Panel Recmnd: Unfounded
SLCPD Finding: Not Sustained

C2011-0176

Allegation: Inappropriate Use of force

Panel Recmnd: Exonerated
SLCPD Finding: Not Sustained

C2011-0191

Allegation: Conduct Unbecoming an Officer

Panel Recmnd: Sustained
SLCPD Finding: Sustained

C2011-0195

Allegation: Conduct Unbecoming an Officer

Panel Recmnd: Sustained
SLCPD Finding: Sustained

Trends/Issues Identified and Relayed to the Police Department

As noted in the cases that went to a full panel, see above, in seven of the twelve listed cases, the Board sustained the allegation(s). Now this reflects five carry over cases from the previous quarter, which had not been adjudicated by the SLCPD prior to the last quarter's report, but this indicates a significant uptick in the percentage of cases sustained over these past six months. In these cases, consisting of these past two quarters, no real trends could be determined and the cases each seemed to be isolated, individual failures by specific officers. Nothing systemic was noted related to an individual officer or even to a specific unit. There is some information that this will change next quarter.

A common theme in the past four years has been the misapplication or misunderstanding of Search and Seizure law as represented by the Amendment which is also covered by the SLCPD policy manual. That again seems to be present in cases currently being investigated that will be reported upon in the next Quarterly Report. As a trend, officers seem to be misapplying various recognized exceptions to the requirement to obtain a court issued search warrant. Examples of this are the misapplication of legal exceptions, or a lack of understanding of the same, such as Inventory Searches and Protective Sweeps while other unrecognized exceptions have been cited. The number of cases involving misunderstanding, misapplication or the apparent ignoring of Search and Seizure requirements indicate a need for Department wide training in this area. In addition to some immediate training addressing this area, the SLCPD should investigate formulating a regular way to keep this area of concern current, at least on a monthly basis until the number of "search" related complaints dramatically decreases. PCRБ wants to point out that the need for a warrant is paramount while warrantless searches are only to be done when the specific situation is covered by one of the recognized, court tested, exceptions. Some units, such as the Narcotics Unit, generate numerous court issued warrants monthly while other units do not seem to generate nearly the same number or even percentage of warrants vs. warrantless, searches. It should be noted that the Narcotics Unit has yet to have had a complaint lodged against them on any search related matter, at least as far back as memory goes and this confirms that solid prior planning and a rigid adherence to policy reduce, if not eliminate, allegations of misconduct.

Only two complaints this quarter involved an allegation over the misuse of force, with one of those cases still pending and in the other, the officer was "exonerated". The SLCPD, which interacted with the "Occupy" movement on a daily basis for a lengthy period of time, did not have a single force complaint lodged which is perhaps a singular accomplishment nationwide. PCRБ notes that the SLCPD is a national leader when it comes to "force" related matters as illustrated at the recent national convention of Police Oversight agencies.

Internal Affairs Cases
October 1 – December 31, 2011

27 Vehicle accidents
0 Intelligence cases
1 Pursuit
5 Firearms discharge –1 Subject w-Injury/4 Injured Deer
47 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 |
|------------|----------|-------------|--------------------|-------------|-----------------------------|--|
| C2011-0171 | M-file | N | N | AD | NDI | Employee tardiness |
| 0172 | 2 | Y | N | AD | NDI | Misuse of city e-mail system |
| 0173 | M-file | Y | N | AD | Closed-Info Only | Citizen complaint-officers were disturbing the peace |
| 0174 | 2 | Y | N | AD | Not Sustained | Citizen complaint-rude contact, failure to notify supervisor as requested |
| 0175 | M-file | Y | N | AD | Closed-Info Only | Citizen complaint-no validity to complaint, citizen known to have mental illness issues. |
| 0176 | 1 | Y | Y | PA | Not Sustained | Citizen complaint-Officer used inappropriate force during arrest |
| 0177 | M-file | N | N | AD | Closed-Info Only | Employee called in sick, due to paperwork error it was originally thought that they didn't have the time to use. |
| 0178 | M-file | Y | N | AD | Closed-Resolved by Division | Citizen complaint-inappropriate driving |
| 0179 | M-file | N | N | AD | NDI | Dispatcher received NDI in regards to obtaining information from callers. |
| 0180 | M-file | Y | N | AD | Closed-Resolved by Division | Citizen complaint-driving in an unprofessional manner |
| 0181 | M-file | Y | N | AD | Closed-Info Only | Citizen complaint-illegal search of property |
| 0182 | 2 | Y | N | AD | Not Sustained | Officer misplaced department handgun |
| 0183 | 2 | Y | N | AD | Open/Active | Citizen complaint-officer not driving carefully |
| 0184 | M-file | Y | N | AD | Closed-Info | Citizen complaint-officer |

| File # | Category | Sworn Y / N | Use of Force Y / N | Disposition | Status | Summary |
|---------------|-----------------|------------------------|-----------------------------------|--------------------|-----------------------------|---|
| | | | | | Only | was unprofessional during a traffic stop |
| 0185 | M-file | Y | N | AD | Closed-Info Only | Officer failed to make a police report on a non-injury traffic accident |
| 0186 | 2 | Y | N | AD | Not Sustained | Citizen complaint-Inconsiderate contact |
| 0187 | M-file | Y | N | AD | Closed-Resolved by Division | Citizen complaint-driving in an unprofessional manner |
| 0188 | 2 | N | N | AD | NDI | Victim advocate did not return a call while he was "on call" |
| 0189 | M-file | Y | N | AD | Closed-Resolved by Division | Citizen complaint-officer speeding |
| 0190 | M-file | Y | N | AD | Closed-Resolved by Division | Citizen complaint-officer speeding |
| 0191 | 1 | Y | N | PA | Sustained | Officer gained access to private property without permission |
| 0192 | M-file | Y | N | AD | Closed-Info Only | Citizen complaint-rudeness |
| 0193 | M-file | Y | N | AD | Closed-Info Only | Officer failed to make a police report on a non-injury traffic accident |
| 0194 | M-file | Y | N | AD | Closed-Info Only | No misconduct/policy violation identified |
| 0195 | 1 | Y | N | PA | Sustained | Officer failed to identify himself and falsified an official record |
| 0196 | M-file | N | N | AD | NDI | Employee took time off without a time allotment to do so |
| 0197 | M-file | N | N | AD | Closed-Info Only | Citizen complaint-speeding police vehicle that was not a SLC vehicle |
| 0198 | 1 | Y | N | AD | NDI | Office involved in an internet "theft by deception" |
| 0199 | M-file | N | N | AD | NDI | Dispatcher aired unnecessary info over the channel |
| 0200 | M-file | N | N | AD | NDI | Dispatcher messaged an officer from the main channel |
| 0201 | M-file | Y | N | AD | Open/Active | Citizen complaint-officer speeding |
| 0202 | 2 | Y | N | AD | Not Sustained | Citizen complaint-inconsiderate contact, |

| File # | Category | Sworn Y / N | Use of Force Y / N | Disposition | Status | Summary |
|----------|-------------------|-------------|--------------------|-------------|-----------------------------|---|
| | | | | | | rudeness |
| 0203 | 1 | Y | N | Pending | Open/Active | Under subject Sgt's supervision, the squad has not adhered to policies and procedures |
| 0204 | M-file | Y | N | AD | Closed-Resolved by Division | Citizen complaint-office speeding |
| 0205 | M-file | N | N | AD | NDI | Dispatcher rude to complainant on the phone |
| 0206 | 2 | Y | N | AD | Open/Active | Citizen complaint-officers were inconsiderate and did not do a proper investigation |
| 0207 | M-file | N | N | AD | NDI | Employee failed to show up for OT assignment |
| 0208 | 2 | Y | N | AD | Not Sustained | Citizen complaint-officer failed to do a proper investigation |
| 0209 | 1 | Y | N | Pending | Open/Active | Citizen complaint-racial profiling |
| 0210 | 1 | Y | N | PA | Open/Active | Citizen complaint-sexually assaulted and entrapped by the officer who arrested her |
| 0211 | M-file | N | N | AD | NDI | Employee did not monitor her available vacation time |
| 0212 | M-file | N | N | AD | NDI | Dispatcher received NDI in regards to call taking and log content |
| 0213 | M-file | N | N | AD | NDI | Excessive tardiness |
| 0214 | M-file | Y | N | AD | Closed-Info Only | Citizen complaint-wrongful arrest |
| 0215 | 1 | Y | Y | Pending | Open/Active | Excessive Force |
| 0216 | 2 | Y | N | AD | Open/Active | Citizen complaint-rudeness |
| 0217 | M-file | Y | N | AD | Closed-Info Only | Non-specific citizen complaint |
| S11-0017 | Firearm Discharge | Y | Y | PA | Open | Subject Injury |
| S11-0018 | Firearm Discharge | Y | N | AD | In Policy | Injured Deer |
| S11-0019 | Firearm Discharge | Y | N | AD | In Policy | Injured Deer |
| S11-0020 | Firearm Discharge | Y | N | AD | In Policy | Injured Deer |
| S11-0021 | Firearm Discharge | Y | N | AD | In Policy | Injured Deer |

OVERVIEW of IA MATTERS (3rd Quarter 2011)

80 Total Internal Affairs (IA) Matters

-33 Administrative (27 Accidents; 5 Firearm Discharges; 1 Pursuit)

-47 IA Cases

--Cat 1 8

---2 allege "Use of Force" in some manner

--Cat 2 10

--M Files 29

Personnel Involved

-34 Sworn

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

-13 Civilian Employees