

**SALT LAKE CITY POLICE CIVILIAN REVIEW BOARD
1st QUARTERLY REPORT 2021**

November 3, 2021

PANELS

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

Panels/Polls initiated in the 4th quarter of 2020:

C2020-0030

Allegation: S – Improper Use of Force

Panel Recommend: S – Exonerated

SLCPD Finding: S – Within Policy

C2020-0101

Allegation: S – Excessive Force

Panel Recommend: S – Exonerated

SLCPD Finding: S – Within Policy

C2020-0149

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated

SLCPD Finding: S – Pending

Panels/Polls initiated in the 1st quarter of 2021:

C2020-0150

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Sustained

SLCPD Finding: S – Pending

C2020-0151

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated

SLCPD Finding: S – Pending

C2020-0152

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated
SLCPD Finding: S – Pending

C2020-0153

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated
SLCPD Finding: S – Pending

C2020-0154

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated
SLCPD Finding: S – Pending

S2020-0013

Allegation: S – Excessive Force: OIS

Panel Recommend: S – Exonerated
SLCPD Finding: S – Pending

Panels/Polls initiated in the 2nd quarter of 2021:

C2020-0155

Allegation: S-Excessive Force: Use of K9

Panel Recommended: S – Exonerated
SLCPD Finding: S - Pending

C2020-0156

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated
SLCPD Finding: S – Pending

C2020-0159

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated
SLCPD Finding: S – Pending

Panels/Polls initiated in the 3rd quarter of 2021:

C2020-0163

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated

SLCPD Finding: S – Pending

C2020-0164

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated

SLCPD Finding: S – Pending

C2020-0165

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated

SLCPD Finding: S – Pending

C2020-0166

Allegation: S – Excessive Force: Use of K9

Panel Recommend: S – Exonerated

SLCPD Finding: S – Pending

Trends/Issues Identified and Relayed to the Police Department

Other than issues related to the ongoing K9 program review, with specific cases taken to full panels, no other trends were noted.

K9 Systemic Review

The use of K9s within law enforcement is commonplace from federal agencies all the way through larger municipal police forces. K9s are used for multiple tasks including search & rescue, tracking, dwelling

searches, drug interdiction and apprehension. The amount of time needed to certify both the canine and the handler is extensive and the cost is high, but in all areas, the cost is recovered by successful operations. K9 operations can be considered a *force multiplier* in the common parlance and reduce the number of patrol officers required. The SLCPD undertook a systemic review of its K9 bites in September of 2020 as a result of a high-profile case that attracted significant media coverage. As a result of this review, roughly 21 K9 bite cases were identified as being possibly problematic and resultant Internal Affairs cases opened, during this initial Department review with two additional cases added later on. The following is an update on this process:

To date, CRB has reviewed nineteen K9, bite related, cases. Two of the cases involved a handler who resigned from the Department prior to the CRB review and were therefore reviewed and dismissed. CRB reviews policy violations, not violations of the law, and therefore once an officer resigns or is terminated, CRB cannot add value to any review. In one case, the SLCPD withdrew the allegation upon further review and CRB concurred in that choice.

TRAINING

SLCPD's training of its K9s and handlers is second to none in the State of Utah. In all areas, the SLCPD exceeds or meets the training requirements of POST. Handlers and dogs from the SLCPD have won many K9 competitions and a number of handlers within the Department are recognized subject matter experts, trainers and/or judges.

SUPERVISION

The K9 unit is primarily lead by a Sergeant, but also has supervision from a Lieutenant, Captain, Deputy Chief and ultimately, the Chief of Police. The Sergeant is highly experienced, 18 plus years of K9 operations, is the best trained and recognized handler in the SLCPD and holds the most certificates of any handler in the Department. Additionally, this Sergeant is a "Judge" within the world of K9 operations wherein he judges handlers/K9s of other agencies. As for background, the two most highly recognized experts in the state appear to be this Sergeant and the POST K9 expert. Both hold the highest positions within the world of K9 operations but the SLCPD Sergeant also has over 18 years of actual field work with an operational K9 while the POST expert does not appear to have any actual "field time" running a K9. Nonetheless, both are highly experienced and are both recognized experts, and both opined on multiple of the case reviews.

Within the SLCPD, the K9 unit routinely conducts an "after action" debrief within the unit after every case of a K9 deployment. This review is led by the Sergeant and includes all handlers on-duty on that workday. Generally, this review occurs the next workday that the involved handler is present for and is focused on: lessons learned, possible training opportunities, and compliance with policy. In the cases reviewed so far, only one such debriefing was missed due to the Sergeant being on vacation/out of town and it appears that a modified debrief occurred.

After an incident occurs, the involved handler sends an email to the Sergeant, who in turn reviews the email, applicable police reports, and the handler's body worn camera footage. The Sergeant then sends a summary of the incident, complete with his analysis, to either his Lieutenant or his Captain, or both. This email notification was found to be timely, and it generally preceded the "squad review" session described above. In most of the K9 cases reviewed by CRB, these emails were included in the CRB report. It was additionally noted that in two cases, so far, that supervisors took these email notifications, did their own due diligence, and recommended commendations that included time-off awards, at the time of the incident.

CRB previously recommended, and it is believed that the SLCPD adopted, a real-time review mechanism that is similar to the procedures used in Use of Force reviews.

Overall, the system in place during these cases relied heavily on the wisdom and experience of the K9 Sergeant, an expert as described above. It generally worked effectively but once the incident went beyond the Sergeant, the higher ranked supervisors generally had no K9 experience other than working with a K9/Handler team during their professional work time.

RECOMMENDATION: In the review of K9 incidents in the future, it is recommended that some of that reviewing team have actual K9 handling experience, even if they are seated as non-voting experts. Understanding that K9 handlers are an extremely small part of Department personnel, and therefore an even smaller percentage of senior police personnel, if an employee with K9 experience does get promoted to Lieutenant, much less Captain, that person should logically be assigned to the Division that contains the K9 squad.

POLICY

The Use of Force and K9 apprehension policy reads in part as follows:

300.3 USE OF FORCE Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of force will be judged from the perspective of a reasonable officer faced with the same set of facts and circumstances. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

308.6 APPREHENSION GUIDELINES A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

In the Apprehension Guidelines, there are three very defined situations wherein the use of a K9 is allowed. An officer needs to only find one of those three reasons, not all three, in order to deploy their K9 partner. Of the three, (b) is the most subjective and has the widest applicability, if so cited. In examining the other two (a) is very similar to the Use of Deadly Force policy, so it is well understood by all, while (c) is very specific and makes very good use of a resource, the K9.

An issue may exist in that the use of a K9 is placed on the force continuum alongside of impact weapons, chemical irritants and use of a Taser. It is agreed that the use of a K9 is a *less than lethal* option, as are the other three tools, but a K9 bite has a greater chance of an increased injury than does, say, OC spray. Deaths have occurred due to the use of a Taser, but generally are the result of post deployment positioning of the Subject. It cannot be disputed that the use of a K9 has significant cultural significance, across the entire cultural spectrum, and as such, can be an ignition point for those involved.

RECOMMENDATION: It is recommended that K9 deployment be moved to a higher level on the Use of Force continuum, a new level, an intermediate step between impact weapons/OC/Tasers and below use of Deadly Force.

Internal Affairs Cases
July 1 – September 30, 2021

30 Vehicle accidents
0 Intelligence cases
3 Pursuits
4 Firearms discharge
42 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 |
|--------|---------------------|----------------|--------------------------|-------------|------------------------|---|
| 0076 | 1 | Y | N | AD | Unfounded | Sexual assault allegation |
| 0077 | 2 | Y | N | AD | Unfounded | Rudeness complaint |
| 0078 | 2 | Y | N | AD | Unfounded | Rudeness complaint |
| 0079 | Information only | Y | N | AD | N/A | Complaint that officers were driving on expired tags. |
| 0080 | Complaint | Y | N | Pending | N/A | Domestic incident with officer. |
| 0081 | Handled in field | Y | N | AD | N/A | Erratic driving complaint |
| 0082 | 1 | Y | N | Pending | Pending | Sexual assault allegation |
| 0083 | Handled in Field | Y | N | AD | N/A | Rudeness complaint |
| 0084 | 2 | Y | N | AD | Exonerated | Idling vehicles complaint. |
| 0085 | 1 | Y | N | AD | Pending | Protective order served on officer. |
| 0086 | 2 | Y | N | AD | Handled with Bureau | Officer missed shift. |
| 0087 | 2 | Y | N | AD | Closed | Rudeness and threat of assault by officer. |
| 0088 | 2 | Y | N | AD | Unfounded | Erratic driving complaint |
| 0089 | Complaint | Y | N | AD | Handled in Field | Erratic driving complaint |
| 0090 | 2 | Y | N | AD | Closed | Rudeness complaint |
| 0091 | 1 | Y | N | AD | N/A | False arrest (and tackle) complaint |
| 0092 | 2 | Y | N | AD | Unfounded | Rudeness complaint |

| | | | | | | |
|------|-----------|---|---|---------|------------|---|
| 0093 | 1 | Y | N | AD | Unfounded | Alleged disclosure of sensitive information. |
| 0094 | Complaint | Y | N | AD | Closed | Erratic driving complaint |
| 0095 | 2 | Y | N | AD | Exonerated | Allegation that officer put the wrong birthday on a ticket purposefully. |
| 0096 | 2 | Y | N | AD | Unfounded | Allegation of discrimination due to criminal past. |
| 0097 | 2 | Y | N | Pending | Pending | Rudeness and false arrest allegations. |
| 0098 | Complaint | Y | N | AD | Closed | Officer driving erratically |
| 0099 | Complaint | Y | N | AD | Closed | Allegation of disclosure of sensitive information. |
| 0100 | Complaint | Y | N | AD | Exonerated | Allegation of firearm seizure |
| 0101 | 2 | N | N | AD | Pending | Officer's weapons stolen from his car. |
| 0102 | 1 | Y | N | Pending | Pending | Allegation of improper use of police authority. |
| 0103 | 1 | Y | N | AD | Pending | Officer failed to get shift covered. |
| 0104 | 2 | Y | N | AD | Pending | Officer requires coach and counsel regarding use of PD software programs. |
| 0105 | 1 | Y | N | AD | Pending | Officer allegedly has full-time job outside of SLCPD. |
| 0106 | 2 | N | N | AD | Closed | Civilian employee failed to get shifts covered. |
| 0107 | 1 | Y | N | AD | Pending | Officer failed to secure POST hours. |
| 0108 | Complaint | Y | N | AD | Exonerated | Alleged misconduct/abuse of authority by officer at airport. |
| 0109 | M-file | Y | N | AD | Pending | Complaint: Officer driving erratically |
| 0110 | 2 | Y | N | AD | Unfounded | Complaint against sergeant for closing complainant's case. |

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|-------------|-------------------|---|---|---------|----------------------|--|
| 0111 | 2 | Y | N | AD | Pending | Clerical error by officer resulting in failure to upload videos. |
| 0112 | M-File | Y | N | AD | Closed | Domestic dispute over vehicle. |
| 0113 | 2 | Y | N | AD | Pending | Rudeness allegation |
| 0114 | 2 | Y | N | AD | Pending | Allegation officers failed to inform of a recovered stolen car, resulting in fees. |
| 0115 | M-File | Y | Y | AD | Handled in the Field | Erratic driving allegation |
| 0116 | 2 | Y | N | AD | Unfounded | Rudeness allegation |
| 0117 | M-file | Y | N | AD | N/A | Officer no-called/no-showed shifts |
| 0118 | M-File | Y | N | AD | N/A | Officer no-called/no-showed shifts |
| P 2021-0009 | Pursuit | Y | N | AD | Pending | Suspect fled during traffic stop after almost striking officer with car. He was taken into custody after pursuit. |
| P 2021-0010 | Pursuit | Y | N | AD | In Policy | Vehicle matched vehicle involved in shots-fired incident, was in same area and failed to stop for traffic stop. Pursuit was terminated after no evidence of pursuable offence. |
| P 2021-0011 | Pursuit | Y | N | AD | In Policy | Gang detectives following lead saw two suspects leave residence they were surveilling. Pursued vehicle after it failed to stop for a traffic violation. Vehicle crashed and suspects fled on foot and were apprehended by K9 officers. |
| S 2021-013 | Firearm Discharge | Y | | Pending | Pending | Officer involved critical incident |
| S 2021-014 | Firearm Discharge | Y | | AD | In Policy | Injured Deer |

| | | | | | | |
|-------------|-------------------------|---|--|----|-----------|------------------------------------|
| S 2021-0015 | Firearm Discharge | Y | | AD | Pending | Officer involved critical incident |
| S 2021-2016 | Sequence number skipped | Y | | | | |
| S 2021-017 | Firearm Discharge | Y | | AD | In Policy | Injured deer |

OVERVIEW of IA MATTERS (2st Quarter 2021)

Total Internal Affairs (IA) Matters

-Administrative (30 Accidents; 4 Firearm Discharges; 3 Pursuits)

-42 IA Cases

--9 Cat 1

---0 allege "Use of Force" of some manner

--19 Cat 2

---0 "Use of Force" allegation

--14 M Files

--11 Complaint

-- 8 "Use of Force" allegations

Personnel Involved

- 41 Sworn

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

- 1 Civilian Employees

