

Communication from the Administration

October 16, 2014

## **Response to Council Questions Regarding the Salt Lake City Police Civilian Review Board**

The Police Civilian Review Board (PCRB) exists to provide an independent, unbiased review of the actions of police officers via a review of those actions by a board made up of Salt Lake City residents. In this process, authorized and limited by the establishing ordinance, the Board looks for individual failures as well as systemic failures within units. By having this independent board, the residents of the City can know that their individual complaint or complaints in general are reviewed by someone other than another police officer (the concept of “**blue reviewing blue**”). Historically there has been a perception that police officers cannot fairly sit in judgment of the actions of their fellow officers. PCRB is the mechanism that ensures someone other than another police officer formally reviews the actions of officers.

**The PCRB’s guiding principle is to follow the facts of any given case and not be swayed** by any one stakeholder. This independence is critical. By adhering to this independence and not needing to cater to any group or individual, the PCRB can provide an unbiased examination of what the facts and evidence show and review the actions of the police department in light of City policy and the law.

In our process, the PCRB provides to the Chief of Police a full review of those serious matters that are most important to the public. The PCRB provides their periodic reports to the Chief directly and generally has completed their review well prior to Internal Affairs (IA) completing their investigative review. In other words, the PCRB never sees **the IA report on any specific case and is unaware of IA’s decision until** the PCRB compiles the data for the Quarterly Report. Even at that time, the PCRB only sees the decision of IA, not their investigative report. On the other hand, IA will see the **PCRB’s** investigative report.

The PCRB provides general feedback to the SLCPD via the Quarterly Report by identifying trends that have occurred within the Department. For example, in the upcoming Quarterly Report, which will be released at the public meeting on 10/22/14, the PCRB made the following recommendations, which have already been communicated to the PD:

- A number of significant issues were identified and communicated to the SLCPD this quarter. The first issue deals with the need for training for all personnel as it relates to contact, or possible contact, with dogs. A number of suggestions were included in this recommendation but by no means were the offered suggestions meant to be inclusive of every option that exists and as such, the SLCPD was encouraged to contact experts in the field as well as other police departments to gather techniques that have proven to be effective in officer/dog contacts, or possible contacts. The PCRB not only is stressing the need for prior planning for adverse dog contacts, but also wants the Department to provide training, on an ongoing basis, so that officers can be safe in doing their duties and minimize the possibility of having to use deadly force in such encounters as it is clear that officers will encounter dogs while

performing their duties.

- Secondly, the PCRB has communicated to the SLCPD that a number of officers, who were interviewed in ongoing cases, recounted incidents wherein they have alleged that a co-worker acted in a way outside of the policy manual. Despite being forthright at the time of their interviews, it was noted that in a number of cases these events were historical in nature, sometimes going back as far as 2-3 years. In many **cases the officers offered as a defense to not reporting these incidents in “real time”**, that they felt they could not do so to their front line supervisor. The PCRB believes this may be indicative of an issue but it is also just as likely an excuse offered when it is pointed out that they are in violation of the policy when they failed to report at the time of the incident. The PCRB asked the SLCPD to provide definitive training about the absolute requirement, as clearly spelled out in the policy manual, to report suspected misconduct.
- Lastly, there has been an ongoing trend of complaints being fielded by Internal Affairs (IA) as well as by other investigative bodies concerning the passing of rumors within the department. In most cases, the rumors being circulated are completely false while being destructive to the good morale of the Department as a whole. Additionally, some of these rumors have a nexus from ongoing IA cases which is a direct violation of an existing policy manual requirement stating that any information regarding ongoing IA cases is protected and not to be discussed except as it relates to those official investigations. The PCRB has requested that the Department remind all employees not only of the stated policy concerning IA **matters, but further pointed out that “rumor mongering” is a destructive past time** that creates rifts within the personnel. Rumors are present in every department within any organization but the Police Department is a unique setting wherein such harmful and inaccurate statements can become a safety hazard for all.
- The PCRB is happy to report that the SLCPD has been receptive and responsive to these suggestions resulting in training on the noted issues, which were identified in PCRB reports as well as communicated directly to IA. The training is ongoing and it will not be completed for at least another month but it will address the issues identified. The PCRB will continue to monitor incoming complaints to ensure that the training has minimized, if not eliminated, the issues identified.

The PCRB also provides a method for citizens to be able to air their complaints and instructed on how to file a complaint. Some citizens are reluctant to initiate contact with the PD and the PCRB provides that layer of insulation so that they can feel protected as they air their issue. Callers/visitors are told how the process works, what steps they must take and are encouraged to advise IA that they have made contact with The PCRB prior to filing their complaints. In some situations, citizen complainants are directed to the proper police agency where their complaint has venue or directed to other parts of the legal system where their complaint should be logically filed.

The PCRB holds public meetings four times a year and publishes a Quarterly Report that keeps the public informed about the performance of their police department. Someone

who has filed a complaint and knows their case number can actually see the IA, Police administration and PCRB recommendations and decisions. Anyone can view the Quarterly Report and review the performance of SLCPD as it relates to topics of interest, **such as “use of force” complaints or** officer involved shootings. This transparency allows anyone the opportunity to judge the quality of SLCPD and be informed on the issues at hand. At the quarterly meetings, interested individuals do attend and bring forth topics of interest concerning the police. Generally their concerns are addressed at that time or they are directed to the proper agency to assist them. A senior police official is usually present for the quarterly meetings and can interact directly with a complaint of any nature.

Although many factors contribute to the actions of the SLCPD, the PCRB is a critical component in that process. In the upcoming Quarterly Report, out of the 41 IA matters there are only two cases **that involve any alleged improper “use of force”**. In comparison, in the first quarter of 2008, there were 64 overall complaints of which four **included an allegation of improper “use of force” while the first quarter of 2009 had 50 overall complaints with 14 having an allegation of improper “use of force”**. In addition to reducing force related complaints, not long ago the PCRB noted that there seemed to **be an abnormal number of complaints about improper “Searches and Seizures” and** after watching this trend, the PCRB noted it and suggested that the PD provide additional training to all officers in this area so as to stop these complaints. The PD administration responded and in the time since, not a single complaint has been submitted on this topic. The fact that the number of complaints has decreased, as has **the number of allegations of improper “use of force”**, may demonstrate that the additional layer of oversight provided by the PCRB has and will continue to achieve the desired effect.

The PCRB has had success in the last seven years because of the quality of the residents serving on the Board and the independence of the PCRB administrator, who is a former FBI agent with decades of experience in investigations (see below for more information about the Administrator). The Board is made up of individuals who live within the city and are selected and vetted by the Council **and Mayor’s office**. The staff assigned to CRB does not get involved in this process and except to assist citizens who have shown an interest in the Board, and do not begin to interact with new members until they have been approved by the Council to sit on the Board.

Our PCRB hosted the NACOLE (National Association of Civilian Oversight of Law Enforcement) conference in 2013 and the staff has attended every NACOLE conference **since 2008 ensuring we are up to date on “best practices” and trends within the oversight community**. **Salt Lake City’s Administrator** is one of only roughly 35 fully accredited practitioners of oversight nationwide, out of nearly 300 oversight agencies and at least 900 individuals engaged in this endeavor.

Because the PCRB acts independent of City officials, including the police administration, and is not beholden to any stakeholder, it provides comprehensive reviews of some very sensitive matters. In every case, the PCRB provided insight about what had occurred based upon the facts **available and how the officer’s actions stood up to the policy**

expectation. Although any decision on any given case may result in someone, in particular police officers, not welcoming it, the PCRB process ensures that the facts are always paramount in the decision making process, no matter the outcome.

### **About the PCRB Administrator:**

Rick Rasmussen joined Salt Lake City as the Police Civilian Review Board Administrator after retiring from the Federal Bureau of Investigation. His 21+ years of law enforcement experience all took place in the Salt Lake City Division of the FBI, where he supervised the Violent Crimes Major Offenders Squad. His experience includes violent crimes, drug investigations, gang matters, organized crime, white collar crime, domestic terrorism, and other related matters. Rick was the FBI Supervisor for the Destiny Norton case, and has worked on numerous kidnappings throughout his career. Rick was also the FBI Supervisor over the 2002 Winter Olympic Games. During his FBI career, Rick conducted numerous internal investigations of FBI employees, as well as corruption investigations of public employees. He is a graduate of the United States Air Force Academy and served nearly ten years as an instructor pilot and an F-16 fighter pilot.

Note from his career:

- Utah POST Certified Police Officer 3/17/11
- Hosted delegations from Colombia, Albania and two other nations on CRB matters
- Attended NACOLE and CACOLE in-services: 08/09/10/11/12/13/14
- NIMS certified, all IC classes accomplished
- Supervisor, Olympic Operations Squad, 2002 Winter Olympic Games
- Investigative/Supervisory experience: Violent Crimes, White Collar Crime, International Terrorism, Domestic Terrorism, Healthcare Fraud, National Security Special Events (09/86 – present)
- Organizer/presenter Utah Kidnapping Summit 09/05; Connecticut State Kidnapping Summit, 08/06; N. Utah Kidnapping Summit, 01/07; Police Command College, Wyoming, 6/07; Dallas Crimes Against Children Conf., 7/07; **MA. Investigator's Conference, 12/07**
- Illicit Drug, Fugitive and Street Survival Training Certified; **Deadly Force Policy Instructor Certified**, 01/96; Undercover Certified, 01/90; Principal Firearms Instructor, UT/MT/ID, 04/96; Firearms Instructor, 08/88 – present; SWAT Certified, 06/87; SWAT Tactical Assault Team Leader
- Bureau Pilot, Commercial/Instrument/Instructor Rated
- 9/2/86, Entered On Duty with the FBI
- F-16 Fighter Pilot, Flight Commander, 77-86
- Instructor Pilot, Flight Examiner
- USAF Pilot Training, 1977