

MUNICIPAL CODE OF SALT LAKE CITY
Chapter 2.97
CIVILIAN POLICE ACCOUNTABILITY COUNCIL

ARTICLE I. ORGANIZATION AND ELECTION

(2.97.010 et seq.)

2.97.010 — Definitions

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

1. “Coercion” means the use of express or implied threats that put a person in immediate fear of the consequences in order to compel that person to act against their will.
2. “Department” means the Salt Lake City Department of Police.
3. “Chief of Police” means the Salt Lake City Chief of Police or their designated representative.
4. “Verbal abuse” means the use of a remark which is overtly insulting, mocking or belittling especially when directed at a person based upon the actual or perceived race, color, sex, religion, national origin, sexual orientation, or gender identity of that person.
5. “Police Civilian Review Board” means the Police Civilian Review Board established by Chapter 2.72 of this code, as amended.

2.97.020 — Establishment — Composition

There is hereby established an office of the municipal government to be known as the Salt Lake Civilian Police Accountability Council SLCPAC.

The SLCPAC shall be composed of elected individuals, one from each city council district in Salt Lake City.

Each SLCPAC member shall have equal voting power in the council.

Once elected, the members of the SLCPAC shall employ such deputies, assistants, and other employees as may be provided for in the annual appropriation ordinance. The offices of the SLCPAC shall be located in a facility outside of the Department of Police.

The SLCPAC shall replace the Police Civilian Review Board. Chapter 2.72 is repealed in its entirety and Chapter 2.16 is amended.

2.97.030 — Salt Lake Civilian Police Accountability Council — Election to Office

Members of the SLCPAC shall be elected in a nonpartisan election every four years at the same time and places of the elections that year as for local school councils in the Salt Lake City public schools.

SLCPAC members shall serve a term of four years and be paid the same base salary as members of the Salt Lake City Council. A candidate for district SLCPAC member must be 18 or more years of age and provide proof of having lived in the city council district for at least one year before seeking the office.

Elected SLCPAC district members who move out of the city council district from which they were elected must resign. Vacancies on the SLCPAC shall be filled by the remaining members of the SLCPAC from candidates selected from within the district of the missing member.

The person selected by the SLCPAC to fill the vacancy will serve in the position until the next election. SLCPAC district members may not serve concurrently in any other elected office.

The signature requirement to be nominated on the ballot for election as district member of SLCPAC shall be 300 signatures of residents of the city council district of the candidate on a nominating petition that states that the candidate seeks nomination to election to be a member of the Salt Lake Civilian Police Accountability Council from the district in which they live, and will state the address of the candidate.

To vote in the election for SLCPAC member, a person must provide proof of age and residency in the city council district in which the person wishes to vote on the day of the election. Such proof of residency shall be the same as that required for voting in the election for local school council. Judges of election shall verify that the residence of the voter lies within the city council district for which the person is requesting a ballot utilizing a Geographic Information System Mapping application.

The SLCPAC, once established, may provide for voting in subsequent elections via the internet as the Council sees fit. A candidate for election shall not accept contributions of any kind from outside the district for which they are running.

Neither active-duty nor retired law enforcement officers shall serve on the SLCPAC, nor shall the spouse, domestic partner, partner to a civil union or any of the following, whether by blood, marriage, or adoption: parent, son, daughter, stepson, stepdaughter, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepbrother, stepsister, half brother, half sister, or first cousin of active-duty or retired law enforcement officers serve on the SLCPAC.

ARTICLE II. POWERS AND DUTIES OF SLCPAC (2.97.040 et seq.)

2.97.040 — Salt Lake Civilian Police Accountability Council — Powers and duties.

The SLCPAC shall exercise the following powers:

1. Review and approve any appointment to the office of Chief of Police of Salt Lake City; any appointment not approved by the SLCPAC shall be rejected;
2. Review and approve all Salt Lake City Police Department rules, regulations, policies and procedures; any rule, regulation, policy, or procedure not approved by the SLCPAC shall be rejected;
3. Serve as a board to hear disciplinary actions for which a suspension for more than 30 days is recommended, or for removal or discharge involving officers and employees of the Police Department;
4. Promulgate rules, regulations, policies, and procedures for the conduct of the SLCPAC's investigations consistent with the requirements of collective bargaining agreements, due process of law and equal protection under the law;
5. In those instances where SLCPAC's investigation indicates that a member of the Department of Police has committed a crime, petition the Chief Judge of the United States District Court for the 3rd District of Salt Lake County to convene a Grand Jury if one is not already convened, and present SLCPAC's findings of criminal activity to the Grand Jury to get an indictment for Deprivation of Rights Under Color of Law pursuant to 18 U.S. Code § 242;
6. Review, approve, and submit to Salt Lake City the annual budget of the Department of Police;
7. Require SLCPAC members to undergo victims assistance, sexual assault, and domestic violence certification training;
8. Establish officers, committees, and subcommittees for the effective conduct of SLCPAC business;
9. Protect the rights guaranteed to the citizens of Salt Lake City by the United States and Utah Constitutions;
10. Review and sign off on all complaint investigations;
11. Disallow the use of the Department of Police by outside law enforcement agencies to commit crimes;
12. Review and and approve contracts with the police unions; any contract not approved by the SLCPAC shall be rejected.

No officer or employee of the Police Department of the city whose appointment has become complete may be removed or discharged, or suspended for more than 30 days, except for cause upon written charges and after an opportunity to be heard in their own defense by the SLCPAC, the SLCPAC district panel consisting of the SLCPAC member for that district and their two deputies, or any member or hearing officer designated by the SLCPAC.

Before any such officer or employee may be interrogated or examined by or before the SLCPAC or by any member or hearing officer designated by the SLCPAC, or by any departmental agent or investigator, the results of which hearing, interrogation, or examination may be the basis for filing charges seeking their removal or discharge, they must be advised in writing as to what specific improper or illegal act they are alleged to have committed; they must be advised in writing that their admissions made in the course of the hearing, interrogation or examination may be used as the basis for charges seeking their removal or discharge; and they must be advised in writing that they have the right to counsel of their own choosing present to advise them at any hearing, interrogation or examination. A complete record of any hearing, interrogation or examination shall be made, and a complete transcript thereof made available to such officer or employee without charge and without delay.

Upon the filing of charges for which removal or discharge or suspension of more than 30 days is recommended, a hearing before the SLCPAC or any member or hearing officer designated by it shall be held.

The SLCPAC shall establish rules of procedure not inconsistent with this section respecting notice of charges and the conduct of the hearings before the SLCPAC or any member or hearing officer designated by it.

The SLCPAC, or any member or hearing officer designated by it, is not bound by formal or technical rules of evidence, but hearsay evidence is inadmissible in SLCPAC proceedings. The person against whom charges have been filed may appear before the SLCPAC, or any member or hearing officer designated by it, with counsel of their own choice and defend themselves; shall have the right to be confronted by their accusers; may cross-examine any witness giving evidence against them; and may through counsel present witnesses and evidence in their own behalf.

The SLCPAC or any member or hearing officer designated by it may administer oaths and secure by its subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. All proceedings before the SLCPAC or any member or hearing officer designated by it shall be recorded. No continuance may be granted after a hearing has begun unless all parties to the hearing agree thereto.

The findings and decision of the SLCPAC, including an explanation of those findings and decision, when approved by the SLCPAC, shall be certified to the Chief of Police and shall be enforced by the Chief of Police.

Such findings and decision, including an explanation of the reasons for such findings and decision, shall be posted on the SLCPAC website within ten business days of the date of certification of such findings and decision to the Chief of Police and shall remain posted on such website for at least two years.

If any member of the SLCPAC dissents from the SLCPAC's findings and decision, such member shall state the reasons for their dissent. Such dissents shall be posted by the secretary on the SLCPAC website within ten business days of the date of certification of the SLCPAC's findings and decision to the Chief of police, and shall remain posted on such website for at least two years.

In the designation of hearing officers, the SLCPAC shall select only attorneys licensed to practice law in the State of Utah, with a minimum of five years of experience. Hearing officers shall conduct disciplinary hearings in accordance with the provisions of this chapter and the rules of procedures established by the SLCPAC.

The hearing officer may take judicial notice, rule on offers of proof, receive relevant evidence during the hearing and certify the record and make findings of fact, conclusions of law, and recommendations to the SLCPAC following the hearing. No member of SLCPAC may participate in any disciplinary recommendation or action without having read the record upon which said recommendation or action is based.

Nothing in this section limits the power of the Chief of Police to suspend a subordinate for a reasonable period, not exceeding 30 days. In approving a Chief of Police, the SLCPAC shall be governed in part by the professional and executive qualifications required for the position which shall be without reference to the residence of the candidate at the time of application.

The SLCPAC's power to review and approve rules and regulations for the governance of the Police Department does not include authority to administer or direct the operations of the Police Department or the Chief of Police.

In addition to other powers conferred herein, the SLCPAC shall have the following powers and duties:

The SLCPAC shall appoint two deputies who will serve with the council. The deputies must be residents of Salt Lake City. Each deputy will be paid the same base salary as a Salt Lake City police officer.

The council and the two deputies as a panel are empowered:

1. To receive and register all complaints filed against members of the department in the SLCPAC members' districts;

2. To conduct investigations into complaints against members of the department concerning domestic violence, excessive force, coercion, and verbal abuse;
3. To conduct investigations into all cases in which a department member discharges their firearm, stun gun, or taser in a manner which potentially could strike an individual, even if no allegation of misconduct is made;
4. To conduct investigations into cases where the death of a person or an injury sustained by a person occurs while in police custody or where an extraordinary or unusual occurrence occurs in lockup facilities, even when no allegation of misconduct is made;
5. To review all cases settled by Salt Lake City in which a complaint register was filed against a member of the department, and if, in the opinion of an SLCPAC member, further investigation is warranted, to conduct such investigation;
6. To conduct investigations in a manner consistent with the rules and regulations established by the SLCPAC and other applicable laws and regulations;
7. To make recommendations to the Chief of Police concerning the appropriate disciplinary action against members of the department who have been found to be in violation of department rules and regulations, or in violation of any of the laws of the State of Utah or ordinances of Salt Lake City;
8. To make recommendations to the SLCPAC concerning revisions in policy and operating procedures to increase the efficiency of the department;
9. To request information related to an investigation from any employee or officer of the department;
10. To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication;
11. To address police personnel and community groups on regulations and operations of the SLCPAC;
12. To be on call 24 hours a day, seven days a week to handle immediate complaints lodged against the department;
13. To suspend the police powers of any officer involved in a shooting pending a complete investigation; and
14. To sit in on officer performance evaluations.

The SLCPAC member may also facilitate:

1. Restorative circles and justice;
2. Mediation: The SLCPAC member shall have the authority to develop a mediation program, informed by national best practices, that engages both complainants and accused police officers, aimed at resolving civilian complaints, except that no incident involving an allegation of use of force, sexual assault, rape, sexual misconduct, the discharge of a firearm, or the discharge of a stun gun, taser, or any other weapon police use to inflict pain and induce compliance shall be mediated;
3. Community accommodation awards;
4. Random monitoring of police surveillance recording equipment; and
5. SLCPAC attendance at all roll calls.

2.97.050 — Subpoena issuance

The SLCPAC or any member or hearing officer designated by it may administer oaths and secure by subpoena both the attendance and testimony of witnesses and the production of relevant information.

A subpoena shall be served in the same manner as subpoenas issued under the Rules of the Utah Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

A subpoena issued under this chapter shall identify the person to whom it is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena.

In no event shall the date for examination or production be less than seven days after service of the subpoena.

ARTICLE III. DISCIPLINE AND INVESTIGATIONS (2.97.060 et seq.)

2.97.060 — Decisions; recommendations

If the SLCPAC or any member or hearing officer designated by it issues a recommendation of discipline against one or more members of the department, the Chief of Police must respond to such recommendation within 30 days. The response must include a description of any disciplinary action the Chief of Police has taken with respect to the member in question.

If the Chief of Police did not take any disciplinary action, or took a different disciplinary action than that recommended by the SLCPAC or any member or hearing officer designated by the SLCPAC, the Chief of Police must describe the different action and explain the reasons for the different action in the written response. The Chief of Police's response shall include, but is not limited to, the following reasons for taking a different action:

1. An analysis of the employee's work history, including any prior disciplinary actions, any prior complaints filed against the employee, and/or any prior complimentary history;
2. The Chief of Police's professional opinion with regard to the case;

3. The existence of any lawsuits arising out of the performance of police duties to which the employee has been a named party, and the outcome of such lawsuits, including those in which the employee has been exonerated; and
4. Any evidentiary concerns with regard to the investigation.

This response must be submitted to the SLCPAC district panel or any member or hearing officer designated by it within the 30-day decision period.

If the Chief of Police fails to respond to the recommendation within the 30-day decision period, such recommendation shall be deemed to be accepted by the Chief of Police.

Nothing in this section shall limit the Chief of Police's ability to impose any additional discipline than that recommended by the SLCPAC district panel.

If the SLCPAC district panel and the Chief of Police fail to agree on the discipline to be imposed, the matter shall be referred to the SLCPAC for resolution. The decision of the SLCPAC is final.

If the SLCPAC district panel determines that a civilian's complaint is without merit, the civilian may appeal that ruling to the SLCPAC for reconsideration. The decision of the SLCPAC is final.

2.97.070 — Investigations

In addition to other powers conferred herein, the SLCPAC shall have the following powers and duties:

1. To conduct investigations into incidents that include any complaint against members of the department concerning domestic violence, excessive force, illegal search or seizure, false arrest, coercion, and verbal abuse, rape, sexual assault, sexual misconduct, First Amendment violations, denial of access to an attorney, phone, family member, or other visitor while in police custody, other Fifth Amendment violations, biased police practices, or unjustifiably killing or injuring an animal;
2. To conduct investigations into the conduct of members of the department concerning any investigative category, even in the absence of a civilian complaint, when, based on information and belief, the Chief Administrator determines such investigation is warranted;
3. To conduct investigations into all cases in which a department member discharges and/or uses his or her firearm, stun gun, or taser, or any other weapon police use to inflict pain and induce compliance in a manner which potentially could strike an individual even if no allegation of misconduct is made;
4. To conduct investigations in all cases in which a civilian dies and/or sustains a suspicious injury or any injury that requires medical attention in police custody or as a result of an interaction with the police, even if no allegation of misconduct is made, to identify these instances through a review of the Department's tactical response (use of

force) reports and when possible, through information sharing agreements negotiated with relevant entities, including, but not limited to, the Salt Lake County Jail, the Salt Lake County Public Defenders and State's Attorney's Offices, and the Utah Department of Corrections;

5. To conduct investigations into cases where the death of a person or an injury sustained by a person occurs while in police custody or where an extraordinary or unusual occurrence occurs in lockup facilities, even when no allegation of misconduct is made;
6. To investigate the facts stated in all lawsuits that allege a member of the department engaged in excessive force, sexual misconduct, a false arrest, or illegal search or seizure, and/or committed another civil rights violation or tort; SLCPAC shall not require that civilian plaintiffs in such litigation submit a sworn complaint prior to launching an investigation;
7. Review all cases settled by Salt Lake City in which a complaint register was filed against a member of the department, and if, in the opinion of the chief administrator, further investigation is warranted, to conduct such investigation;
8. To investigate any other violation of police rules and regulations, policies and procedures, or the United States Constitution that may have occurred in any incident under investigation by the SLCPAC;
9. To request information related to an investigation from any employee or officer of the city and to execute information sharing agreements;
10. To issue subpoenas to compel the attendance of witnesses for purposes of examination and the production of documents and other items for inspection and/or duplication;
11. To compel prompt statements from members of the Department and to re-interview Department members as needed;
12. To collect and preserve physical evidence related to matters under investigation by the SLCPAC;
13. To compel members of the Department to immediately submit to tests for substances, physical evidence, and DNA, including, but not limited to, breath, blood, urine, and DNA tests;
14. To conduct investigations concurrently with any criminal investigation that may result from a matter under investigation by the SLCPAC;
15. To play an active role in the community, perform community outreach, publicize the civilian complaint process, and identify locations within that are suitable for civilians to file complaints online, via the telephone, and in community-based environments free from police presence;
16. To analyze policing trends and patterns related to the SLCPAC's investigative jurisdiction, including but not limited to:
 - a. officer use of force; police shootings;
 - b. use of tasers or any weapon used to inflict pain and/or to gain compliance;
 - c. citizen complaint log numbers; and
 - d. racial, ethnic, gender, sexuality, or geographic biases in policing;
17. To conduct regular analyses of citizen complaints, use of force, lawsuits, and other relevant data to identify individuals and/or groups of officers who may be engaged in a

pattern of misconduct, and to initiate disciplinary investigations into the conduct of those identified officers;

18. To examine the disciplinary and complaint history and relevant complaint investigative files as a standard, required part of every disciplinary investigation for each officer who had a material role in any incident that triggered an investigation;
19. To maintain and regularly update a website that makes public the information described in this ordinance and to identify and execute other methods of widely disseminating to the general public information about the work of the SLCPAC;
20. To administer the office including, but not limited to, the hiring, terminating, training, and supervision of all employees in conformity with the requirements of this ordinance; and
21. To maintain permanent in-house legal counsel to advise the SLCPAC on legal issues and to represent the SLCPAC in legal and administrative proceedings, including those to enforce the SLCPAC's subpoenas, and to prosecute or defend the SLCPAC's investigative, disciplinary, and policy recommendations.

2.97.080 — Proactive Policy and Pattern Analysis and Investigations

The SLCPAC shall appoint a full-time employee as Director of Policy and Practice Analysis and Investigations to analyze policing trends and patterns related to the SLCPAC's investigative jurisdiction and to launch disciplinary investigations into Department members who may demonstrate a pattern of misconduct and/or non-compliance with Department policy.

The SLCPAC has the discretion to treat as confidential any proactive disciplinary investigation initiated and supervised by the Director of Policy and Practice Analysis and Investigations, and his or her staff, for as long as the SLCPAC deems necessary during the investigation.

If the SLCPAC, or any member or hearing officer designated by it, does not conclude an investigation within six months after its initiation, the SLCPAC or any member or hearing officer designated by it, shall notify the complainant and the employee named in the complaint or his or her counsel of the general nature of the complaint or information giving rise to the investigation and the reasons for failure to complete the investigation within six months.

The investigation will end only at SLCPAC's discretion.

2.97.090 — Cooperation in investigations

It shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the SLCPAC or any member or hearing officer designated by it, in any investigation or hearing undertaken pursuant to this chapter.

Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement, in addition to any other penalty provided in this chapter.

2.97.100 — 100 Retaliation prohibited — Penalty

No person shall retaliate against, punish, or penalize any other person for complaining to, cooperating with, or assisting the SLCPAC or any member or hearing officer designated by it, in the performance of his or her office.

Any person who violates the provisions of this section shall be subject to a fine of not less than \$5,000.00 and not more than \$10,000.00 for each violation.

2.97.110 — Community Input, Engagement and Outreach

The SLCPAC shall appoint a full-time employee as Director of Community Engagement to develop and implement a program of community outreach aimed at soliciting public input about police practices and the work of the SLCPAC from a broad segment of the community in terms of age, race, gender, gender expression, sexual orientation, neighborhood, ethnicity, and socio-economics.

The Director of Community Engagement will also be responsible for assisting the SLCPAC to widely disseminate information regarding the activities of the SLCPAC, including information about how individuals can file complaints, the investigative process, know-your-rights-training aimed at informing individuals about the types of police conduct the SLCPAC is authorized to investigate, and information about the policy audit and data collection activities undertaken by the SLCPAC.

The Director of Community Engagement shall be responsible for ensuring that the SLCPAC holds at least four community meetings annually.

The SLCPAC shall appoint staff sufficient to ensure that all civilian complaints are assigned a complaint support specialist, who shall provide support to civilians throughout the complaint and investigative process. Such support services shall include, but are not limited to, providing complainants with regular updates regarding the status of their complaints, counseling complainants regarding the investigative process and outcomes, and providing referrals to outside service providers whenever necessary.

The Director shall develop a civilian feedback process that seeks feedback from civilians who interact with the SLCPAC on their experiences, including, but not limited to, their overall satisfaction with the process, their ability to access information from the SLCPAC, their treatment throughout the investigation, the investigator's sensitivity to their circumstances, and the ease with which they could make a complaint. The feedback process shall also seek suggestions to improve civilians' experiences.

The Director shall publish the results of those surveys in the SLCPAC's annual report.

ARTICLE IV. SLCPAC REPORTS (2.97.120 et seq.)

2.97.120 — Final Summary Reports — Open to public inspection — Transparency

All final summary reports of the SLCPAC shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Government Records Management Act, collective bargaining agreements, or any other applicable law.

It shall be the policy of the SLCPAC to make all of its work available to the public in order to promote accountability and transparency.

The SLCPAC shall keep the public informed of its investigations and their progress, and the SLCPAC shall ensure transparency throughout the entire investigative process.

The SLCPAC must collect and post information on its website about pending investigations. Specifically, within 10 days of intake, the SLCPAC must publish on its website the information that triggered an investigation, including a copy of a civilian complaint, lawsuit, document reporting a suspicious injury, or a summary of any other information that triggered an investigation.

The SLCPAC must regularly update both the complainant and the website as to the status of the investigation.

When the Chief of Police rejects, disputes, or agrees with a finding or outcome recommended by the SLCPAC, the complete written explanation must be published on the website along with the public investigation history. All such updates should also be published to a live timestamped data feed.

All current and historic public information pertaining to all complaints or investigations must be accessible through a well-documented API or data feed (i.e., Rich Site Summary, RSS) that conforms to open data standards.

The SLCPAC shall maintain a database which contains the complete complaint and disciplinary history for each Department member.

The database shall include, but is not limited to, the following for each member of the Department:

1. Any and all police misconduct investigations;
2. Complete disciplinary history;
3. All tactical response reports;

4. Civil lawsuits and relevant motions to suppress in criminal cases; and
5. Assignment histories.

At the database shall be expanded to include any other relevant information.

The SLCPAC shall be provided full administrative access to all databases maintained by the Salt Lake City Police Department. In addition, the SLCPAC shall maintain full administrative rights to an electronic database that is independent from databases used by the Department. It shall maintain these data in a format that allows efficient exporting of data.

These data shall be posted live on the SLCPAC's website in delimited machine-ready format for public inspection. The data sets shall redact the names and other identifying information of civilians, including complainants.

The database must, at a minimum, include the information described throughout this section. Within 10 days of its availability, the SLCPAC shall post on its website the following information for each investigation:

1. The log or complaint number;
2. The beat number in which the complaint incident took place;
3. Location of incident reduced to hundred block;
4. Date and time of the incident;
5. Date the incident was reported to the SLCPAC and/or otherwise came to the SLCPAC's attention;
6. Whether video of the incident exists;
7. Date the investigation was completed;
8. Name, race, and gender of the assigned investigator(s), and date of their appointment in SLCPAC's office;
9. For civilian complaints, whether the complaint was accompanied by a signed affidavit;
10. For each Department member who is a subject of the investigation:
 - a. Name;
 - b. Badge Number;
 - c. Unit of assignment at the time of complaint;
 - d. Race;
 - e. Gender;
 - f. Year of birth;
 - g. Date of appointment to the Salt Lake City Police Department;
 - h. Rank at the time of complaint;
 - i. On or off duty at time of incident;
 - j. In police uniform or plain clothes;
 - k. Number of previous log numbers against officer within 10 years of incident;
 - l. Number of previous sustained log numbers against officer within 10 years of incident.
 - m. All complaint category codes for the incident under investigation;

- n. The SLCPAC's recommended outcome of the investigation for each complaint (e.g., sustained, not sustained, unfounded, exonerated, etc.);
 - o. The SLCPAC's recommended discipline;
 - p. The Chief of Police's recommended outcome of the investigation of each complaint;
 - q. The Chief of Police's recommended discipline;
 - r. The final outcome of the investigation;
 - s. The final discipline imposed;
11. For each witness officer:
- a. Name;
 - b. Badge number;
 - c. Gender;
 - d. Race;
 - e. Year of Birth;
 - f. Unit of assignment on date of complaint incident;
 - g. Rank on date of complaint incident;
12. For each civilian involved in an incident under investigation:
- a. Race;
 - b. Gender;
 - c. Age at time of complaint;
13. In addition to the information detailed above, the SLCPAC shall also post the following information within 10 days of its availability in every investigation of a Department member's discharge or other use of a firearm, stun gun, taser, or any other device capable of inflicting pain or injury:
- a. The type of incident (e.g., taser, shooting with hits, shooting without hits, etc.);
 - b. The log number, or any other tracking number used by the SLCPAC;
 - c. For each shooting officer:
 - i. The type of weapon used (if a firearm, the type and brand);
 - ii. Number of shots fired;
 - iii. The range at which the weapon was fired;
 - iv. For taser incidents, the duration that the device was deployed and the number of cycles;
 - d. Injuries sustained by any officer on the scene;
 - e. For each target or victim of the weapon:
 - i. If an animal was targeted or victimized, the type of animal;
 - ii. If person was targeted or victimized, the SLCPAC shall also post the following:
 - 1. The person's gender;
 - 2. The person's race;
 - 3. The person's age at time of incident;
 - 4. Whether any weapon was possessed by the person;
 - 5. The point(s) at which any bullet impacted the person;
 - iii. Any medical care provided;

- iv. Injuries sustained;
- v. Whether a person or animal was killed.

The SLCPAC shall also strive to post on its website any video of an incident that is the subject of its investigation after, at the discretion of SLCPAC, redacting any parts capturing people or events deemed unrelated to the investigation, or that would violate clearly established rights to personal privacy, within 48 hours of the incident, unless the release would seriously compromise the integrity of SLCPAC's investigation.

If SLCPAC withholds video, it must articulate and publish the reason that the release would seriously compromise the integrity of the investigation, and it shall post the video as soon as possible after the 48-hour period; but under all circumstances, SLCPAC's posting of the video must occur within 14 days of the incident.

The SLCPAC shall post on its website any "911" records or records of police radio communications or data transmissions related to the incident within 10 days of their availability.

The SLCPAC shall also release lab test results, police reports, and other information, after redacting any private material, so long as the release would not seriously compromise the integrity of the SLCPAC's investigation.

Within 10 days of completing each investigation, the SLCPAC must post on its website the summary report of investigation, and provide a copy of the summary report of investigation to any complaining witness.

Summary reports for complaints that are not supported by an affidavit — if an affidavit is required by state law — must include a detailed record of any attempts to contact the complainant to obtain an affidavit as well as a detailed record of the preliminary investigation, including any attempts to obtain sufficient evidence to continue the investigation.

Notwithstanding any other provision of this ordinance, SLCPAC is prohibited from releasing to the public civilian names and identifying information without their consent. SLCPAC shall provide any alleged victim in a sexual misconduct, sexual assault, rape, or domestic violence investigation with the option to keep confidential the specific details of the complaint and specifics of the investigation from the summary reports made available to the public. SLCPAC is otherwise authorized to release any additional information or data to the public regarding its investigations otherwise allowed by law.

SLCPAC shall permanently retain and shall not destroy any records related to its investigations.

2.97.130 Quarterly Reports — Open to public inspection

All reports, investigations, policies and procedures of SLCPAC shall be open to public inspection, except to the extent that information contained therein is exempt from disclosure by the Government Records Management Act or any other applicable law.

All investigations, audits, surveys, and policy evaluations and recommendations conducted by SLCPAC shall be released publicly at the time of completion and will be published on the website of the SLCPAC office and remain available on the website permanently.

All data sets associated with each investigation, audit, survey, and policy evaluation and recommendation will be released publicly on the website of SLCPAC at the time of the publishing of the audit.

The data sets will remain on the website for at least 10 years from the date of publication, but in no event may they be destroyed.

SLCPAC shall issue an annual report. The annual report must include a detailed summary of SLCPAC's activities during the year and shall include the following information:

1. A summary report for each investigation completed during applicable time frame;
2. A summary of all activities undertaken related to community input, engagement, and outreach, including the results of the customer feedback survey described above; and
3. A detailed annual statistical analysis that will help the general public understand the work of SLCPAC; wherever possible, SLCPAC must aggregate the data by investigative category and the demographics of the involved civilians and Department members; the analysis shall include, but is not limited to, data related to the following:
 - a. Total number of civilian complaints received;
 - b. Total number of civilian complaints referred to internal affairs;
 - c. Total number and type (e.g., excessive force, false arrest, illegal search, domestic violence, sexual misconduct, rape, sexual assault, coercion, First Amendment, denial of access to counsel, other Fifth Amendment, etc.) of investigations opened;
 - d. Total number and type of investigations completed;
 - e. Total number and type of investigations that remain open;
 - f. Number and type of investigations resolved by mediation;
 - g. Investigative outcomes (e.g., sustained, not sustained, etc.) of completed investigations aggregated by type of complaint;
 - h. Department member disciplinary recommendations aggregated by type of investigation, amount of discipline, and the demographics of involved civilians and involved Department members;
 - i. A comparison of the disciplinary recommendations made by the SLCPAC to those of the Chief of Police and those actually imposed, aggregated by type of investigation and the demographics of involved civilians and Department members;

- j. Total number of firearm discharges, aggregated by the demographics of involved civilians and Department members and resulting injuries or fatalities;
- k. Total number of non-firearm weapon discharges, aggregated by type of weapon, demographics of involved civilians and Department members and resulting injuries or fatalities;
- l. Data regarding the racial, ethnic, gender, and geographic demographics of the civilians and Department members involved in each investigation;
- m. Unit-by-unit analysis of investigations by type and outcome (including disciplinary and/or training recommendation);
- n. List of Department members with more than 10 misconduct complaints filed against them within 5 years of the reporting period, including for each Department member name, badge number, unit of assignment, gender, race, date of appointment to the Department, and the number and types of complaints filed against the member.

2.97.140 — Quarterly reports to legislative and executive branches

No later than the fifteenth day of January, April, July and October of each year, the SLCPAC or any member or hearing officer designated by it, shall file with the Office of the City Clerk and the legislative reference bureau a report accurate as of the last day of the preceding month, indicating:

1. The number of investigations initiated since the date of the last report;
2. The number of investigations concluded since the last report;
3. The number of investigations pending as of the reporting date;
4. The number of complaints not sustained since the last report;
5. The number of complaints sustained since the last report;
6. The number of complaints filed in each district since the last report;
7. Without identifying any complainant, the number of complaints filed against each police officer in each district since the last report;
8. The number of complaints referred to other agencies and the identity of such other agencies;
9. The number of complaints in the last 30, 60, and 90 days, and the last 6 months;
10. The number of complaints referred or appealed to SLCPAC;
11. A demographic breakdown of the complainants, including but not limited to race, sex, or age; and
12. A breakdown by complaint type.

Such reports shall be open for public inspection and shall be posted on the city's website.

ARTICLE V. REMOVAL FROM OFFICE AND PENALTIES (2.97.150 et seq.)

2.97.150 SLCPAC — Conditions for removal from office.

Members and employees of the SLCPAC shall be subject to Title 2, chapters 2.44, 2.48, and 2.53 of the Salt Lake City Code.

2.97.160 — Obstructing or interfering with investigations — Penalty

No person shall wilfully refuse to comply with a subpoena issued by SLCPAC or any member or hearing officer designated by it, or otherwise knowingly interfere with or obstruct an investigation authorized by this chapter and conducted by an announced investigator of SLCPAC.

Any person who wilfully violates the provisions of this section shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00 for each such offense, or imprisonment for a period of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense. Violations of this provision may be prosecuted as either misdemeanor or felony crimes as defined in Utah Code §76-3-203, §76-3-204, and §76-3-301.

2-83-170 — Violation — Penalty — Discharge or other discipline

Any employee or appointed officer of the city who violates any provision of this chapter shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in this chapter.

2-83-180 — Rules and regulations

The SLCPAC, or any member or hearing officer designated by it, is authorized to adopt such rules, regulations and procedures as it may deem expedient for the proper administration and enforcement of the provisions of this chapter.

2-83-190 — Public policy

The public policy of this chapter is to make certain that complaints concerning police misconduct and abuse are resolved fairly and in a timely manner. All collective bargaining agreements must be in accord with this policy.

ARTICLE VI. BUDGET (2-83-200 et seq.)

2.97.200 — CPAC Budget, staffing, and independent evidence analysis requirements

Each fiscal year, the City Council shall appropriate an amount that shall not be less than three percent (3%) of the annual appropriation of the Department available to pay for the expenses of the SLCPAC.

The SLCPAC must maintain at least one full-time investigator for every 100 sworn officers in the Department.

Investigators employed by the SLCPAC may not have previously been employed by any law enforcement agency and/or the Salt Lake County Attorney's Office and/or the Salt Lake City Attorney's office. Investigators should broadly represent the diversity and demographics of the City by way of, including but not limited to, racial, ethnic, gender, and geographic diversity.

MUNICIPAL CODE OF SALT LAKE CITY
CHAPTER 2.16
FIRE SERVICE COMMISSION

2.16.010 — Appointment

The mayor shall appoint a fire service commission to be composed of three (3) members, one of whom shall serve until June 30, 2022, another to serve to June 30, 2024, and another member to serve until June 30, 2026. In the month of June 2020, and every second year thereafter, one member shall in like manner be appointed for the term of six (6) years to take the place of the member whose term shall next expire. In case of a vacancy, appointment shall be made in like manner for the unexpired term.

2.16.020 — Qualifications

No member of the fire service commission shall, during their tenure of office, hold any other public office, nor shall such member be a candidate for any other public office. Not more than two (2) members of the fire service commission shall at any one time be of the same political party.

2.16.030 — Compensation

Each member of the fire service commission shall receive twenty five dollars (\$25.00) for each meeting of the commission which he/she shall attend, provided that such member shall not receive more than one hundred dollars (\$100.00) in any one month or such larger sum as may hereafter be provided by amendment to this code.

2.16.040 — Removal

Any member of the fire service commission may be removed from office by the mayor for cause, including misconduct, inability or wilful neglect of duty. Such member shall have opportunity to be heard in his/her defense in a hearing meeting the minimum standards of due process of law.

2.16.050 — Duties

The fire service commission shall have full charge of all examinations and establishing the a fire service list, from which appointments and promotions shall be made for positions in the fire departments by the appointing power thereof. This chapter shall not, however, prohibit fire department participation in such testing and recruiting as is otherwise allowed by law.

2.16.060 Rules and regulations

The fire service commission shall make all necessary rules and regulations to carry out the purposes of this chapter and for examinations, appointments, and promotions. All rules and regulations shall be printed by the fire service commission for distribution.

2.16.70 — Organization of commission

The fire service commission shall organize by selecting one of its members chairman, and shall appoint as secretary one of the available officers or employees of the city, who shall act and serve without additional compensation. The secretary shall keep a record of all meetings of the fire service commission and of its work and shall perform such other services as the commission may require, and shall have the custody of the books and records of the commission.

2.16.080 — Examinations

All applicants for employment in the fire service shall be subject to examination, which shall be public, competitive and free. Examinations shall be held at such times and places as the fire service commission shall from time to time determine, and shall be for the purpose of determining the qualifications of applicants for positions. Examinations shall be practical and shall fairly test the fitness in every respect of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health.

2.16.090 — Employment of examiners

The fire service commission may employ such examiners as it may deem necessary at such compensation as the mayor may fix.

2.16.100 — Certification of applicants for position

1. If a position in the fire service is to be filled, the fire service commission shall as soon as possible certify to the head of the fire department the names of:
 - a. ten (10) persons, if the position to be filled is entry level; or
 - b. five (5) persons, if the position to be filled is other than entry level.
2. Persons certified under subsection A shall have the highest standing in the eligible list, but a lesser number may be certified if the required number is not on the eligible list.
3. If more than one position is available, the fire service commission shall also certify to the head of the fire department one additional name for each additional position to be filled.
4. All persons not appointed shall be restored to their relative positions on the eligible list.
5. All persons who have been on the eligible list for two years without appointment shall be removed from the list and may be returned to it only upon regular examination.

2.16.110 — Subordinates in fire department to be appointed from list

Subject to the rules and regulations of the fire service commission, the head of the fire department shall, from the fire service list furnished by the fire service commission, and by and with the advice and consent of the city council:

1. appoint all subordinate officers, employees, members, or agents in the department; and
2. fill vacancies in the positions listed in Subsection (1).

2.16.120 — Probation for appointments from the fire service list

In all cases, the head of the fire department shall notify the fire service commission of each separate position to be filled and shall fill such place by the appointment of one of the persons certified by the commission therefor. Such appointment shall be on probation and of a character and for a period to be prescribed by the fire service commission.

2.16.130 — Promotions

The fire service commission shall provide for promotion in the fire department on the basis of ascertained merit, seniority in service, and standing obtained by competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from the members of the next lower rank as submit themselves for the examination and promotion. The fire service commission shall certify to the head of the fire department the names of not more than five applicants having the highest rating for each promotion.

2.16.140 — Temporary employees

The head of fire department, with the advice and consent of the city council, may employ any person for temporary work only, without making the appointment from the certified list, but the appointment may not be longer than one month in the same calendar year, and under no circumstances shall the temporary employee be appointed to a permanent position unless he shall have been duly certified by the fire service commission as in other cases.

2.16.150 — Suspension or discharge by department head

1. All persons in the fire department may be suspended as provided in Utah Code §10-3-912, or removed from office or employment by the head of the fire department for misconduct, incompetency, failure to perform duties, or failure to observe properly the rules of the department, but subject to appeal by the suspended or discharged person to the fire service commission.
2. Any person suspended or discharged may, within five days from the issuance by the head of the fire department of the order of suspension or discharge, appeal to the fire service commission, which shall fully hear and determine the matter.

3. The suspended or discharged person shall be entitled to appear in person and to have counsel and a public hearing.
4. The finding and decision of the fire service commission upon the hearing shall be certified to the head of the fire department from whose order the appeal is taken, and shall be final and immediately enforced by the head.

2.16.160 — Appeal to Court of Appeals

Any final action or order of the commission may be appealed to the Court of Appeals for review. The notice of appeal shall be filed within 30 days of the issuance of the final action or order of the commission. The review by Court of Appeals shall be on the record of the commission and shall be for the purpose of determining if the commission has abused its discretion or exceeded its authority.

2.16.170 — Annual and special reports by commission

The fire service commission shall in December of each year make an annual report to the city council and shall make as many special reports as the city council shall request.

2.16.180 — Employment of attorney

The fire service commission with the advice and consent of the mayor may employ an attorney to act as counsel for the commission to perform such duties and at such compensation as the mayor may fix.