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|  | **Police Department Audit – Operational**  **Scope of Work**  SALT LAKE CITY, UTAH |

April 13, 2021



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| **1.** | **Introduction and Executive Summary** |

The Matrix Consulting Group was retained by Salt Lake City to assist them with an audit of the Police Department focused on key questions related to both financial and operations aspects of the department. This report covers the analysis related to the operations questions raised in the scope of work.

**1. Scope of the Study**

The operational scope of this audit included the following areas of inquiry and evaluation:

1. Compare the City’s Internal Affairs process and structure to best practices and identify areas for improvement.

1. Compare the existing disciplinary system to best practices and innovations at other law enforcement agencies.

– Identify areas for improvement to enhance independence, transparency and accountability. avoided / underutilized?

– Evaluate opportunities for employee coaching and counseling.

1. Evaluate the personnel management system and identify any barriers that exist to correction, training and counseling of personnel by supervisors.
2. Identify whether the memorandum of understanding between the City and Police Association create duplicative or complementary processes and recommend areas for improvement.
3. Evaluate best practices in law enforcement relating to policies, use, archiving, review and public access of body camera data.
4. What are the core policing functions of the Department? What functions does the Department perform that are not traditionally policing activities? What functions can be performed by other agencies or different kinds of staff.
5. Review the Police Department’s responses to mental health crises and identify areas for improvement.
6. Review mental health services available to Police Department employees, the ability of employees to participate, existing utilization, and areas to expand support.
7. Recommend operational efficiencies or partnerships that could be achieved with existing resources.

**2. Key Themes and Findings.**

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| **2.** | **Employee Discipline and Personnel Management** |

The Matrix Consulting Group was tasked with analyzing some current practices, policies and procedures of the Salt Lake City Police Department is several key areas. This draft report documents our findings.

The focus of this draft report is to review current operations in several key areas. Additionally, where appropriate the project was tasked with identifying best or prevailing practices. To conduct this analysis, we used the following definitions:

**Best Practice** – A practice considered by a majority of departments typically also recommended by professional associations like the International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF), CALEA or similar association.

**Prevailing Practice** – A practice that is commonly used but may not have formal recommendation from a professional association.

**Emerging Practice** – A practice that is not widely adapted but is promising because it addresses an identified issue or is meant to improve operations. An emerging practice is most often associated with new practices or procedures.

It is important to note that all three can be impacted by the size of a department or available resources. To conduct our analysis, we compared practices with similar sized or larger agencies.

**1. Analysis of Internal Affairs Process and Structure**

Internal Affairs is a unit within the Professional Standards Division. Which is led by captain. Internal Affairs (IA) is comprised of one lieutenant and three sergeants. The unit investigates complaints against officers, monitors the complaint process, operates the early intervention system (EIS).

To conduct this review the project team reviewed current IA Policy 1000 and the proposed “in progress” recommended policy changes, the CPRV Code, IA policies from other departments, the IA statistical databases for 2019 and 2020 and conducted staff interviews.

**Internal Affairs Policy**

Internal affairs operations are covered under SLCPD Policy 1003- Complaints Against Personnel and Disciplinary Action. During this study, the project team was informed that Policy 1003 was under review and that a working group was updating the entire policy. To conduct this review both the current and proposed policy changes were reviewed. The current internal affairs policy and processes are very consistent with other agencies and contain best practices is several areas. SLCPD has the following best practices:

* They accept complaints from a variety of sources including:
  + An individual or group.
  + Third Party
  + Government Agency
  + Anonymous
  + Department Members
  + The Website
* All complaints are accepted.
* All complaints are tracked in a database.

These best practices ensure that the department receives all complaints and that all complaints are reviewed. The SLCPD complaint process differs from most agency complaint process in that there are concurrent investigations on use of force complaints from both Internal Affairs and the Civilian Police Review Board (CPRB). Also unique to SLCPD is that use of force complaint findings are conducted independent from each other so that the CPRB and the SLCPD may have different findings on the same case.

There is close coordination with the PCRB Director and IA with current investigations and the PCRB Director has full access to SLCPD databases and investigative materials. This is an emerging practice that provides a “third party” view of important documents. Interviews and other evidence.

There is no current policy that mandates investigations continue when an employee leaves service, however SLCPD is in the process of changing this and it is becoming current practice pending the adoption of a new policy. This would be an emerging practice and likely best practice in the near future as more departments adopt this approach.

Internal Affairs policy allows other agencies to review personnel files including IA investigations (with signed waiver) for purposes of conducting background investigations.

**Internal Affairs Process**

The following description encapsulates the current IA investigative process:

Step 1- A complaint is received.

Step 2- Complaint is logged into Blue Team Software

Step 3- Investigation Type is Determined by the IA Lieutenant depending on the seriousness of the complaint.

Step 4- Serious Misconduct Complaints - Catagory1 are assigned to an IA investigator.

Minor Misconduct Complaints – Category 2 and M-File (very minor complaints) are assigned back to division command for investigation.

Step 5- A finding of Exonerated, sustained, not sustained, or unfounded is determined.

Step 6- A letter is sent to the complainant notifying them of the disposition of the complaint.

Step 7- Notification is sent to the employee who is subject of the complaint and 10-20 Days’ notice of Pre-Disciplinary hearing is given.

Step 8- A Pre-Disciplinary Hearing is held by either the IA Captain or Employee’s Captain depending on where the complaint was investigated.

Step 9- A Disciplinary Decision is rendered.

Step 10- Possible Appeal.

The entire investigation is mandated to be concluded within 75 days by the MOU between the Salt Lake City Corporation and the Salt Lake Police Association unless there are extenuating circumstances.

This process is very similar to other larger agencies that we reviewed including Denver, Portland, San Diego, Boise and Bakersfield. Though Salt Lake City is the only municipal police agency we found that has a member of city human resource present at employee interviews. As stated previously the current process is being updated to include more involvement and notifications to division commands on investigations at the division level on minor complaints.

The updated process will remove the findings task from Professional Standards Captain requiring division captains to write findings. The concept behind this move is to keep division commands more informed about employee misconduct under their command. This is an established practice in many larger police agencies. Though this change will accomplish this, it may come at a cost of consistency in findings and discipline. The current process of having the IA Captain write findings for serious misconduct complaints ensures some consistency in how findings are rendered whereas two captains reviewing the same complaint may result in two different outcomes with the same fact pattern established.

**Discipline Process**

The Disciplinary Process is covered under SLCPD policy 1003.13 -Disciplinary Action. The current process uses a tier-based system that assigns discipline based on the Tier (Seriousness of the policy violation). The system has three tiers which are listed below:

**Tier 1** Counseling and/or Training.

Written warning.

**Tier 2** Unpaid suspension of 24 hours or less.

**Tier 3** Unpaid suspension of greater than 24 hours.

Demotion

Termination

Additionally, there are several mitigating factors that must be considered before discipline is imposed. While a tier system helps to define the seriousness of complaints it can be subject to variance in outcomes e.g., two officers could be found in violation of policy that falls under tier 2 but could have different captains recommend different hours of suspension. The result is one Captain could recommend 8 hours off while the other could recommend 24 hours off for the same policy violation.

To make proposed discipline more consistent many departments are moving to a discipline matrix with prescribed recommended discipline for several policy violation categories. One discipline Matrix reviewed was from the Denver Police Department which had several stated goals including defining conduct categories and setting discipline levels to Identify a fair and reasonable presumptive penalty for each discipline level. Though the Denver Police Matrix is extensive, it does set prescribed discipline levels for policy violations that are consistent. Additionally, it allows for more aggressive discipline to be imposed for subsequent policy violations within certain time limit parameters.

The SLCPD working group is considering a discipline matrix to attempt to make the discipline process more consistent along with other changes.

**Internal Affairs Historical Data**

Policies and procedures identify processes, but not outcomes of processes. To evaluate IA process outcomes the project team reviewed 2019 and 2020 IA complaint data. In 2020 there were a total of 161 IA investigations completed. The following tables indicate the number of each type of case by seriousness:

**2020 Internal Affairs Complaints**

| **Case**  **Type** | **# of Cases**  **2020** | **# of Cases**  **Sustained** | **Percent** |
| --- | --- | --- | --- |
| Category 1 | 39 | 14 | 10% |
| Category 2 | 39 | 8 | 21% |
| Complaint | 9 | 0 | 0% |
| Intelligence | 1 | 1 | 0% |
| M-File (minor) | 73 | 3 | 4% |
| **Total** | **161** | **15** | **9%** |

As the table indicates approximately 9% of complaints received are sustained. This is consistent with other studies the project team has conducted. This is no national standard for how many complaints are sustained but it is quite common to have less than 15% sustained.

One indicator of internal police accountability is the number of internal complaints filed. Internal complaints indicate that officers and supervisors are holding each other accountable for violating policy. The table below shows the number of internal complaints versus external complaints form the 161 complaints filed in 2020.

**2020 Internal Affairs Complaints**

| **Case**  **Type** | **# of Cases**  **2020** | **Percent** |
| --- | --- | --- |
| External | 90 | 56% |
| Internal | 71 | 44% |
| **Total** | **161** | **100%** |

As the table indicates internal complaints are approximately 44% of all complaints investigated in 2020. This is a very high level of internal complaints and indicates employees are held accountable internally as well externally.

**Transparency**

Police transparency is an important aspect of police-community relations. SLCPD does publish use of force data on its webpage however there is no data for complaints published. Publishing complaint and investigations data on the public website could help inform the public that SLCPD actively investigates complaints. The publishing of this data can help alleviate mistrust between the police department and the community they serve by being transparent, especially important when they have internal data than can indicate how well they are doing.

The Columbus (OH) Division of Police publishes an extensive annual report which is posted on their website that includes:

* The number of complaints received.
* The outcomes.
* Breakouts by gender and race.
* Use of force statistics.
* Internal versus External Complaints.

**Civilian Director of Professional Standards**

SLCPD is currently in the process of hiring a civilian director for professional standards to eliminate the current Captain position. Though not typically seen in internal police operations, a civilian director can provide some stability to this critical role. Sworn police managers / leaders are typically in the later years of their career and turnover occurs more frequently than civilian staff. Additionally, for many departments there is higher frequency of transfer for captains and lieutenants, so their tenure in position often less than 3 years. This lack of tenure requires new personnel to be trained and time to gain experience to be effective in their role, however this may occur at the time they retire or transfer.

**Recommendations:**

**Update IA process to new proposed policy which outlines types of corrective action that can be taken that are not considered discipline which allows for better corrective action and less administrative hearings for issues that would not result in actual discipline of days off or termination.**

**Adopt the proposed change that allows sergeants to handle limited minor complaints in the field and provides that the complaint “shall” be entered into “Blue team” employee management database.**

**Adopt proposed policy change that would require minor complaints be handled by division commands and more serious complaints to be handled by IA investigators.**

**Post complete IA complaint statistics on public website.**

**Post more Use of Force information with more breakout categories including demographics.**

**Adopt the proposed discipline matrix to establish consistent discipline for all employees.**

**Adopt policy that would require internal affairs investigations be completed even when an employee resigns or retires.**

**Adopt proposed policy recommendation that includes a “policy deficiency” finding.**

**Adopt proposed policy recommendation that includes a “coaching / counseling” finding.**

**Add “training deficiency” finding which denotes the member did not violate policy, because they were not trained or there is a training gap that should be addressed department wide.**

**3. Analysis of Management Systems**

Matrix Consulting was asked to evaluate the personnel management system within the police department and identify any barriers that exist to correction, training and counseling of personnel by supervisors, and the ability to provide regular feedback from management to staff about technical performance, equitable treatment of subjects, tone and approach.

*For the purpose of clarity – Early Identification System (EIS), Early Intervention System (EIS) and Early Identification and Intervention System (EIIS) refer to the same process or system of early identification of problematic employee behavior*.

**Early Identification and Intervention System (EIIS) Overview**

SLCPD utilizes Versaterm IAPro software for their Early Identification and Intervention Program. The system tracks seven categories with pre-determined thresholds. SLCPD Policy 1026.2.2 outlines these categories and thresholds as follows:

**Category 1 Complaints** 2 in a rolling 12-month period

**Category 2 Complaints** 2 in a rolling 12-month period

**M-Files** 3 in a rolling 12-month period

**Use-of-force** 18 in a rolling 12-month period that is above the 2nd standard deviation for the previous calendar year (calculated by number of use-of-force incidents involving officers in the Operations Bureau)

**Vehicle Collisions** 2 in a rolling 12-month period

**Vehicle Pursuits** 2 in a rolling 12-month period

**Firearm Discharge** 2 in a rolling 24-month period

(Other than an OICI and/or destruction of animals or wildlife)

**Overall** 4 of any combination of the above (excluding uses-of-force)

The Lieutenant in the Internal Affairs Unit monitors the system and is directly responsible for sending the alerts and making adjustments to triggers within the constraints of IAPro software.

**Early Identification and Intervention System Review**

IAPro has some technical issues that affect the accuracy of how early warning notifications occur. The software does not allow the SLCPD administrator to set data boundaries to accurately reflect the unit, shift and work type for the employees, e.g. a night shift officer in a high crime district will have the same use-of-force threshold as a day shift officer performing investigative work. IAPro software works on a rolling calendar year and does not allow the administrator to set specific timeframes for when a threshold trigger has been met. Officers on busier shifts or in a specialty unit charged with apprehending known combative subjects may meet the use of force threshold much earlier in the trigger cycle (calendar year) than officers working day shift districts with fewer contacts of confrontational subjects. Conversely, an officer having several use-of-force incidents late in the calendar year may not meet the threshold for the alert and not come to the attention of supervisors for review before the 12-month review cycle rolls over. IAPro software also does not allow the administrator to set specific data parameters which can create alerts that are inappropriate, e.g. an officer involved as a passenger in a crash will receive the same trigger as an officer involved as the driver in a crash. Officers may meet the trigger threshold for crashes requiring a supervisory review due to being the passenger in the vehicle.

After the thresholds are met in any category, and the supervisor completes the required review, any additional trigger will create an alert requiring the supervisor to again meet and document the conversation with the officer even if it is the following work shift. The inefficiency and inflexibility of the system creates additional work for supervisors, unproductive communication with employees and does not accurately reflect employee performance patterns.

The EIIP has not been consistently used by supervisors though the system has been in place for three (3) years and training for the IAPro system is still continuing.

Only seven (7) categories are tracked in SLCPD’s EIIS which leaves out important areas of notification that should be included to provide a complete and accurate overview of an employees work product for evaluation.

**EIS Research and Comparison**

As part of this analysis, the team interviewed SLCPD staff, reviewed IACP Law Enforcement Policy Center *Considerations Document* on Early Identification Systems (May 2020), reviewed Building Law Enforcement Early Intervention Systems Technical Assistance Guide for the San Diego Police Department (DOJ Office of Community Oriented Policing Services) and spoke with Professional Standards and Strategic Services personnel from a similar sized agency.

The IACP Considerations Document on Early Identification provides an outline for police agencies developing Employee Identification Systems and recommends agencies develop a policy statement that explains to agency personnel and the public the agency’s policy on identifying and responding to employee performance concerns. IACP offers guidance on what items or information should be tracked to best identify performance trends based on the specific goals of the agency. Those factors may include use of historical averages to identify meaningful deviations, size of the agency, peer/comparison groups, assignments (e.g., patrol vs. narcotics), locations of patrol (e.g., high-crime areas), community demographics, employee’s previous performance.

According to the Department of Justice Office of Community Oriented Policing Services, agencies first to create early identification systems did so in response to consent decrees entered into after allegations of systemic problems. However, further research found part of employee behavior caused by intentional misconduct was already adequately addressed by existing disciplinary processes and the lack of understanding and training by the agency training processes.

A third category of problematic behavior was identified. This category identified employees that displayed behavior or conduct out of character for the employee or employee peers and/or a decline performance. Further DOJ COPS research led to the conclusion that a small percentage of police officers suffer chronic illness, excessive injury, and/or engage in problematic behavior linked to the physiological costs that can result from overexposure to stress.

Both IACP and the DOJ COPS emphasize EIS should be the product of a well thought out plan to help the agency identify employees who may be experiencing personal and/or professional problems that are manifested in problematic behaviors.

SLCPD assigned the EIS Coordinator responsibilities to the Internal Affairs Unit Lieutenant. This is not consistent with other police agencies, IACP’s recommendations for Early Identification Systems or SLCPD’s EIIS Policy that EIIS is committed to promoting employee success through non-disciplinary methods. IACP states the key factor that should be considered when developing and implementing an EIS is ensuring that any response to identified behaviors is viewed as supportive, rather than punitive.

Salt Lake City Police EIIS does not meet best practice for the identification and intervention of problematic employee behavior. It is a mechanical model with policy written around the computer software limitations. The system is administered by the Internal Affairs Unit and the behavior alerts produced do not provide supervisors with accurate information for meaningful conversations.

Best practice for early identification and intervention systems start with an agency needs assessment specific to the agency and community served. Identification of information sources and positive intervention strategies can be identified and threshold triggers set after consideration of the initial agency needs assessment. After implementation of EIIS, the system thresholds should be periodically reviewed for type and threshold limits. An agency contacted as part of this study told the Matrix team officers in that city are responding to an excessively high number of death calls daily. In this example, EIIS should be reviewed for the threshold trigger limits due to the change in current officer calls for service and to guide supervisors in awareness of the additional trauma for officers.

Both IACP and DOJ COPS resources cited provide guidance for the creation of early identification and intervention systems that achieve the stated goal of early identification of problem employee behavior for the purpose of an intervention that is supportive and pre-disciplinary.

**Recommendations:**

**Remove Early Intervention System Administrator duties from the IA lieutenant responsibilities.**

**Designate an Early Intervention and Identification System coordinator and move the administration of EIIS from under the Internal Affairs Unit in the Professional Standards Division.**

**Identify and implement a personal management system that can be tailored to collect pre-programmed criteria established by the Chief of Police specific to SLPD agency needs and community expectations instead of a creating policy around a software program.**

**Add lawsuits and Traumatic Incidents as a categories to monitor in EIS**

**Examples of Early Coaching and Counseling Systems**

Matrix Consulting was asked to provide examples of early coaching and counseling systems in other law enforcement agencies and parameters and thresholds for identifying situations where a pattern of performance issues exists such as excessive use of force, accidents, complaints.

The Matrix team reviewed other agency’s early coaching and counseling systems and resource material from the Department of Justice Office of Community Oriented Policing Services, International Association of Chiefs of Police and the Police Executive Research Forum. Of the agencies reviewed for comparison, the Portland Police Bureau’s Policy for Employee Information System stood out. The policy is clear, detailed and consistent with IACP recommendations for EIS being an application that compiles information from agency data sources to create a comprehensive review of a member’s work performance. The policy states reports produced in the EIS are intended for use to support and develop personnel.

The Matrix team spoke with the Professional Standards Commander and the Strategic Services Division Manager for the Portland Police Bureau in Portland, Oregon. The Police Bureau uses Tableau Server software to create a data management system that is flexible and robust. Data analysts developed the parameters for data to be pulled from existing sources. All supervisors have access to the system and can create employee profiles for use in reviewing their employees for threshold triggers, promotions and yearly evaluations. Supervisors can perform a statical analysis of the officer triggered for review and close the trigger with an informed explanation for the threshold trigger, provide correction and/or an intervention strategy as needed.

Below are the threshold pre-programmed criteria for Portland Police Bureau established by the Chief of Police:

* Shift Force Ratio: a sworn member’s force ratio is greater than or equal three (3) times their shift’s average ration in the preceding six (6) months;
* Force Ratio: a sworn member’s force ratio is greater than or equal to 20% of their arrests in the preceding six (6) months;
* Force Count: a sworn member’s force three (3) or more times in the preceding (30) days;
* Criminal Complaint: a member receives a complaint with an allegation of misconduct;
* Complaint in the Same Category: a member receives two (2) or more complaints with at least one (1) allegation in each complaint being in the same category such as two (2) complaints that both have conduct allegations for events in the preceding six months;
* Complaint Count: a member receives three (3) or more complaints for events in the preceding six (6) months;
* Traumatic Incidents: a member experiences three (3) or more traumatic incidents in the preceding 30 days;
* Commendations: a member receives two (2) or more commendations for events in the preceding six (6) months.

Threshold Break: An automatic notification to the EIS Administrator when a member reaches or exceeds a threshold.

Type I Alert: An alert notification that pertains to a complaint – or commendation-related threshold break.

Type II Alert: An alert notification that pertains to a force or traumatic incident – related threshold break.

Type III Alert: An alert notification that pertains to statistically meaningful deviations from normative behavior, with respect to groups and their respective supervisors, which the Force Inspector has determined places such groups and the respective supervisors at risk of problematic trends.

The above thresholds are specific to law enforcement in the city of Portland, Oregon. Best practice for the development of EIIS thresholds should be specific to the agency law enforcement work trends and citizen expectations.

**4. Analysis of the Memorandum of Understanding**

The Matrix team reviewed the Memorandum of Understanding between the Salt Lake City Corporation and the Salt Lake Police Association, Salt Lake City Police Department Policy, interviewed Human Resources personnel, the Salt Lake Police Association President and upper command.

Salt Lake City Corporation and Salt Lake City Police Department have made changes to city processes and are currently rewriting police department policy. The city recently dissolved the Civil Service Board which affected many of SLCPD’s personnel related services. There were duplicative processes between SLCPD and the Civil Service Board, however that is now remedied. The team did not identify other duplicative processes between the Memorandum of Understanding and the City. However, there are areas of needed improvement.

The MOU and SLCPD policy stipulate that all officers investigated for complaints that could result in discipline be afforded a pre-determination hearing. The MOU and SLCPD Policy identify three categories of discipline imposed by the city. The lowest level of discipline, Tier One Discipline, identifies written warning letters as a form of discipline. This hinders supervisors from addressing minor complaints against their employees with a discussion and written documentation due to the contractual agreement that the officer be allowed a pre-determination hearing for any allegation that may result in a written warning letter. Internal Affairs Personnel identified this issue as a cause for increased case load for Internal Affairs investigators. According to SLCPD Policy 1003.14, officers may waive their contractual rights for the pre-determination hearing and request an outline of the potential discipline for the alleged misconduct. If the member chooses to waive their contractual rights, the member must accept the discipline without the possibility of appeal. This creates a dilemma for employees and supervisors attempting to resolve complaints at the lowest level.

**Recommendations**

**Revise policy to enable supervisors to investigate and address low level complaints without violating agreed upon contractual rights.**

**Negotiate with the Salt Lake Police Association regarding wording and/or what is considered discipline at the lowest level.**

**5. Analysis of Body Worn Camera Program**

The project team was tasked with reviewing SLCPD current body camera program focusing on three main areas: Evaluate body worn camera activation procedures and policies; identify successful body worn camera programs in other municipalities where body worn camera videos are randomly sampled and reviewed for key performance measures of de-escalation, equal treatment of individuals and adherence to polices.

To conduct our analysis the project team examined the SLCPD body worn camera policy (Policy 422), reviewed Utah Code 77-7a (legislates body worn camera programs), reviewed other law enforcement policies and reviewed IACP Body Worn Camera Model Policy and conducted staff interviews. Additionally, the project conducted a search of other municipalities that use civilian staff outside of the police department to conduct video review.

**Body Worn Camera Program Overview**

Salt Lake City Police Department started deploying body worn cameras in 2013 and currently body worn cameras are issued to every officer that is deployed and has contact with the public. The department has conducted body worn camera compliance audits in the past and currently requires that video from two randomly selected dispatch incidents per month are reviewed by a supervisor.

**Body Worn Camera Policy Review**

There are a few key areas of body worn camera policy that were the focus of this review: Who is issued or required to have a body worn camera, what are the activation requirements, what are the exceptions and does the department audit body worn camera use and incidents.

In the Salt Lake City Police Department body worn camera use is covered by policy 422 (Portable Audio / Video Recorders) which is largely dictated by Utah Code 77-7a (Law Enforcement Use of Body-worn Cameras) which was adopted in 2016. Utah Code sets minimum standards for activation, storage, notifications, and other body worn camera procedures.

Though SLCPD Policy 422 follows Utah Code 77-7a, it exceeds it by more clearly identifying when cameras must be activated and includes a section (422.3.4) Failure to Activate a Body Worn Camera which states “failure to activate … may result in corrective action or discipline.” This added language indicates to members the importance of proper activation of the body worn camera.

SLCPD’s body worn camera policy is clearly written and the activation requirements ensure the cameras are activated to capture all public contact with limited exceptions which are noted in Utah Code 77-7a below:

(9) An officer may deactivate a body-worn camera:

(a) to consult with a supervisor or another officer;

(b) during a significant period of inactivity;

(c) during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:

(i) the individual who is the subject of the recording requests that the officer deactivate the officer's body-worn camera; and

(ii) the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the body-worn camera; or

(d) during a conversation with a victim of a sexual offense, as described in Title 76, Chapter 5,

Part 4, Sexual Offenses, or domestic violence, as defined in Section 77-36-1, if:

(i) the officer is conducting an evidence-based lethality assessment;

(ii) the victim or the officer believes that deactivating the body-worn camera recording:

(A) will encourage complete and accurate information sharing by the victim; or

(B) is necessary to protect the safety or identity of the victim; and

(iii) the officer's body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

These limited exceptions are mostly for community member privacy.

Policy 422 does not require auditing of body worn camera video by supervisors and only states “supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct.” Though this is important to note in policy, it falls short of the IACP model policy that indicates “supervisors should on at least a monthly basis randomly review body worn camera videos to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required and state minimum requirements.”

**Body Worn Camera Auditing**

As noted above, Policy 422 does not mandate random supervisory review of body worn camera video, however this is currently being conducted under a recent change in 2020. In the past the audit and inspections unit in Professional Standards has conducted random sampling of body worn camera video using a random number generating software to select incidents from the computer aided dispatch (CAD) system. Any issues discovered were directed back to the operational division to conduct the appropriate intervention or follow up.

In the current system under the 2021 Audit Plan each supervisor is required to review two random incidents per officer per month. Once complete the supervisor returns and audit form to the audit and inspections unit indicating that the review had been conducted and any deficiencies noted. The change in this procedure was made because the number of hours to conduct the body worn camera reviews limited the ability of the audit and inspections unit from conducting other audits and inspections. Additionally, by conducting audits outside of the divisional chain command front line supervisors were not involved which limited their ability to proactively address any issues discovered in the audits. Using front line supervisors to conduct audits allows supervisors to be involved in minor performance corrections and to better know how their direct reports are handling calls for service. One issue with utilizing front line supervisors to conduct audits is it takes them out of field activities to conduct the audits in the office which limits their ability to respond to calls proactively.

Body worn camera auditing from October 2019 through December indicates that activation compliance is good, however there areas where improvement could be made in other areas as shown in the following table:

**Compliance Rates from Body Worn Camera Audits**

| **Activity** | **Compliance**  **Rate** |
| --- | --- |
| Activated in accordance with Policy. | 92% |
| Noted Camera Activation in Report | 47% |
| Tagged Video Correctly | 68% |
| Video Interrupted within Policy | 43% |

As the table indicates body worn cameras are activated in accordance with policy 92% of the time, but there other categories tracked that are well below the expected rate of compliance. To address this SLCPD has completed additional training at in service and updated procedures.

**Body Worn Camera Review by Independent Body outside of the Police Department.**

A search of already established independent review of body worn camera videos by civilian was conducted. The project contacted and researched several progressive cities to find a body worn camera review model that included independent civilian oversite.

One example noted was the Fort Worth (TX) Office of the Police Oversight Monitor which has the authority to conduct random sampling of police department body worn camera video. The office was created in February 2020 and has not produced a body worn camera audit.

Several cities use an independent Auditors office to conduct reviews. One example noted was in Chicago (IL) which was conducted by the City of Chicago Inspector General. The audit found the Chicago Police Department was not conducting random audits as required. The audit did not review videos or incidents to determine if there was actual policy compliance by officers. An audit by the Austin (TX) City Auditor did review videos and found policy compliance issues and made several recommendations. Similarly, the Atlanta Auditor’s Office conducted an independent audit in 2017 / 2018 and found that Atlanta Officer were only activating their cameras approximately 33% of the time when they would have been required to under policy.

Salt Lake City has an existing Civilian Police Review Board which has some auditing authority granted by City Code 2.72.220. Audits are currently conducted for review of Internal Affairs complaints and does not cover auditing of body camera video. Enhancing audit authority to cover body worn camera videos and requiring and annual or bi-annual reporting could establish an independent review of body worn camera videos and compliance. An additional person would be needed to fulfill this role, though they could have additional duties assigned. To ensure the highest degree of compliance the independent body worn camera video review should include random sampling of officer videos as well as randomly sampling of completed supervisor reviews so that the Civilian Police Review Board could verify that supervisors are compliant with their review responsibilities.

**Transparency**

Police transparency is an important aspect of police-community relations. SLCPD does publish use of force data on its webpage however there is no data from any body worn camera audits published. Publishing data on body worn camera compliance and corrective actions could help inform the public that SLCPD actively monitors body worn camera video activations and other data. The publishing of this data can help alleviate mistrust between the police department and the community they serve by being transparent, especially important when they have internal data than can indicate how well they are doing.

Salt Lake City Policy 422 on body worn cameras includes several best practices that ensures the maximum number of police – community contacts are recorded. The policy is silent on supervisory random sampling of body worn camera videos. Though the department conducts random sampling of two officer incidents per month through the audit and inspections it is not codified in policy, which is best practice.

There is no current procedure or policy for outside review or auditing body worn camera video. This task could be assigned to the current Civilian Police Review Board as an added responsibility instead of creating a new unit or department. This would require at least an additional staff person who could have added responsibilities. The department could improve transparency by publishing the results of their body worn camera review audits.

**Recommendations:**

**Maintain current monthly body worn camera auditing procedures by supervisors.**

**Update body worn camera policy to include mandatory audits by supervisors.**

**Conduct annual random small sample body worn camera audits to be conducted by the audits and inspections unit.**

**Post body worn camera compliance on the public website.**

**Add annual body worn camera audit responsibility to the civilian police review board responsibilities.**

**8. Mental Health Services**

As part of this study Matrix Consulting was asked to review mental health services available to SLC police personnel. To conduct this analysis the team reviewed resource material from IACP, DOJ’s Office of Community Oriented Policing Services, Ontario Provincial Police Independent Review Panel for Officer Wellness, interviewed SLCPD personnel, reviewed a recent employee survey regarding mental health and compared existing resources to best practices in other departments.

Employee mental health has become an important aspect of officer wellness as evidenced by inclusion as one of six pillars in President Obama’s Task Force on 21st Century Policing. In 2017 Congress passed H.R. 2228 Law Enforcement Mental Health and Wellness Act of 2017 which was signed by the president in January, 2018. This bill directs the Department of Justice to report on Department of Defense and Department of Veterans Affairs mental health practices and services that could be adopted by law enforcement agencies. Additionally, DOJ Office of Community Oriented Policing Services must report on programs to address the psychological health and well-being of law enforcement officers.

There is renewed awareness that a mentally and physically healthy police force is of paramount importance in light of months of civil unrest, increased distrust by citizens and calls for defunding police. Police must maintain composure, focus and complete their tasks in sometimes in very volatile circumstances . The concept behind officer wellness and mental health services is that a healthy officer is likely to better serve the public. Many agencies have adopted or are in the process of adopting an officer wellness programs.

Several agencies have well established Officer Wellness Units that offer a wide variety of services to their employees. Officer wellness programs vary from focus on mental health to also included physical fitness, nutrition and mindfulness. The focus of this review is to evaluate the SLC officer wellness processes in place, identify any gaps in service and to make recommendations.

**Current SLC Officer Wellness Program**

SLCPD has had a peer support program since 2003. In addition, SLCPD placed two officer positions under the Executive Officer Lieutenant in the Chief’s Office to develop additional wellness and support programs. SLCPD also obtained funding for a professional mental health clinician who has yet to be hired.

The Wellness Officer has developed and delivered training on several topics related to fitness and nutrition, importance of sleep, officer resiliency and mindfulness training that is targeted to new officers through those nearing retirement. The wellness officer is the point of contact for officers in crisis, responding after hours as needed and coordinating care and treatment in addition to other education responsibilities.

SLCPD sent out a mental health survey in 2019 with a 48 percent response and again in 2020 with a 52 percent response. There were several areas of concern in the 2019. The trend for those concerns rose in 2020. A number of officers indicated they significantly struggled to separate work from personal life, did not have healthy sleep, felt cut off from outside law enforcement, were more depressed, had difficulty concentrating, had distressing work flashbacks, had physical reactions to stress, were more angry and irritable and had more anger at others and themselves. Twelve (12) percent of the sworn rank indicated they had suicidal thoughts.

**U.S. Department of Justice Community Oriented Police Services Case Study**

In January of 2018, Congress enacted the Law Enforcement Mental Health and Wellness Act of 2017. The Act directed the Department of Justice to submit to Congress a report that identified successful officer mental health and wellness programs using a case study format. Eleven agencies were selected for the team to study. Each case study layered a number of strategies from recruitment to retirement and covered prevention, early intervention, resiliency building, reintegration, crisis response and follow- up care. The consensus of interviewees is that there is no one single solution. A holistic approach using multiple components achieved the best results. The following were identified as important factors for program success.

* A strong commitment from all levels of the agency.
* Top down agency wide support to prioritize and support officer mental health and wellness in a way that overcomes the stigma and builds trust in confidentiality.
* Mental Health and Wellness was paired with fitness, nutrition, medical care, sleep, relationships, financial stability, substance abuse, self-care, early warning systems and character and moral development.
* Clear and transparent communication by agency executives about motives for the wellness program.
* Unions are key stake holders and should be active participants in helping create or support expansion of services.
* Resources for units, programs or services need to be consistent and institutionalized in budgets rather than grants outside funding.
* Collaboration between mental health professionals and officers was key to creating contextually appropriate programs that address needs of officers while remaining consistent with science and research.

**Other Department Programs**

The team reviewed other successful wellness programs in addition to the 11 case studies above. The San Diego Police Department was established in 2011 and shares the same components for success identified above. The SDPD Wellness Unit is well organized, provides comprehensive education and services, is supported from the top down and maintains consistent funding.

In 2019 the Ontario, Canada Provincial Police Department was reviewed by an Independent Police Review Panel after recent suicide deaths and mental health concerns of OPP members, as well as complaints about work place culture. The issues facing the OPP with respect wellness and culture included:

* Leadership
* Trust and credibility
* Isolation
* The current wellness programs and services
* Identity and stigma
* Family relationships
* Administration and organizational pressures

The Police Review panel made several recommendations. A few are as follows:

* Leadership and organizational responsibility for wellness and positive workplace culture is required
* Cultural change through leadership
* Modeling change from the top
* Holistic approach to wellness
* Wellness as an organizational priority requires dedicated resources
* Mental Health Services should be assessable and credible

**SLCPD Officer Wellness Services**

SLCPD has already identified the need for mental health support services by means of the 2019 and 2020 employee survey. SLCPD has implemented education regarding officer wellness and has the capacity to assist officers in crisis with finding treatment, however there is no dedicated funding for wellness program development or maintenance.

Through interviews with SLCPD staff, Matrix team members learned that officers felt a lack of widespread support from police executives with regard to officer wellness and the culture within the department did not encourage and support mental health fitness.

SLCPD has a wellness officer with excellent understanding of mental health wellness, however, SLCPD lacks the organized top-down emphasis on the importance of officer wellness initiatives.

**Recommendations:**

**Develop a department wide plan to emphasize the importance of officer wellness initiatives from executive level down.**

**Seek budgetary funding for adequate staffing, training and implementation of wellness programs.**

**Develop policy and or procedures for department officer wellness programs and how to access treatment and/or services.**