

1 **WEST VALLEY CITY**

2 **ORDINANCE NO. 13-22**

3
4 Draft Date: 05/08/2013

5 Date Adopted: 05/21/2013

6 Date Effective: 06/03/2013

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8 **AN ORDINANCE ENACTING CHAPTER 18 OF TITLE 3**
9 **OF THE WEST VALLEY CITY MUNICIPAL CODE TO**
10 **CODIFY THE ROLE, STRUCTURE AND PROCEDURES**
11 **OF THE PROFESSIONAL STANDARDS REVIEW**
12 **BOARD.**

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14 **WHEREAS**, civilian oversight is essential to a professional and effective police force;
15 and

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17 **WHEREAS**, citizen participation contributes to responsive, honest and ethical conduct
18 within the Police Department; and

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20 **WHEREAS**, the City Council desires to strengthen the Professional Standards Review
21 Board to create the most diligent and responsive police citizen oversight board in Utah; and

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23 **WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is
24 in the best interests of the health, safety, and welfare of the citizens of West Valley City to enact
25 Chapter 18 of Title 3 of the West Valley City Code.

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27 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,
28 Utah, as follows:

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30 **Section 1. Repealer.** Any other provision of the West Valley City Municipal Code
31 found to be in conflict with this Ordinance is hereby repealed.

32 **Section 2. Enactment.** Chapter 18 of Title 3 of the West Valley City Municipal
33 Code is hereby enacted to read as follows:

34 **TITLE 3**
35 **EXECUTIVE BRANCH ADMINISTRATIVE CODE**

36 Chapters:

37 3-1 General Provisions

38 3-2 City Manager's Office

39 3-3 Community and Economic Development Department

40 3-4 Finance Department

41	3-5	Fire Department
42	3-6	Law Department
43	3-7	Parks and Recreation Department
44	3-8	Police Department
45	3-9	Public Works Department
46	3-10	Administrative Advisory Organizations
47	3-11	Employee Appeals Board
48	3-12	Repealed
49	3-13	Community Preservation Department
50	3-14	Repealed.
51	3-15	Criminal History Rights of Access
52	3-16	Government Records Access Management Act
53	3-17	Historic Preservation Commission
54	3-18	Professional Standards Review Board

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CHAPTER 3-18

PROFESSIONAL STANDARDS REVIEW BOARD

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Sections:

61	3-18-101	Establishment of the Board.
62	3-18-102	Purpose.
63	3-18-103	Membership of the Board.
64	3-18-104	Scope and Jurisdiction of the Board.
65	3-18-105	Meetings of the Board.
66	3-18-106	Findings and Recommendations of the Board.
67	3-18-107	Training of Board Members.
68	3-18-108	Quarterly and Annual Board Reports.
69	3-18-109	Other Regulations Governing the Operations of the Board.

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3-18-101. ESTABLISHMENT OF THE BOARD.

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This Chapter hereby establishes the procedures governing the Professional Standards Review Board. In the event of any conflict between previous ordinances, resolutions, regulations, or directives and this Chapter, this Chapter shall govern.

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3-18-102. PURPOSE.

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The Professional Standards Review Board is designed to create independent citizen oversight of the West Valley City Police Department. The provisions of this Chapter are meant to ensure that the powers, jurisdiction, and responsibilities of the Board are consistent with this mission.

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85 **3-18-103. MEMBERSHIP OF THE BOARD.**

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- 87 (1) The Professional Standards Review Board shall be composed of seven citizens of West
88 Valley City. Employees of the City, including but not limited to employees of the Police
89 Department, shall not be permitted to serve as voting members on the Board, effective
90 immediately.
- 91 (2) Members of the Board shall be appointed by the City Manager with the advice and
92 consent of the West Valley City Council. The Police Department may not observe or
93 participate in the nomination process, including interviews of current or prospective
94 board members.
- 95 (3) Terms shall be two years in length. Members may be reappointed to the Board.
96 Members currently serving on the Board may remain on the Board to finish their terms,
97 with the exception of the representative of the Police Department.
- 98 (4) A member of the Board may be removed with or without cause by the City Manager with
99 the advice and consent of the City Council.
- 100 (5) A chairperson of the Board shall be designated by the City Manager. A West Valley City
101 police officer shall be designated by the City Manager to serve on the Board. The officer
102 shall not vote on matters before the Board, but shall be available to the Board for the
103 purpose of answering questions regarding policing issues. The officer shall serve on the
104 Board on an at-will basis and may be removed from the Board by the City Manager with
105 or without cause at any time.

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107 **3-18-104. SCOPE AND JURISDICTION OF THE BOARD.**

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- 109 (1) The Board shall review the following matters:
- 110 a. All uses of force by the West Valley City Police Department;
- 111 b. All vehicular pursuits; and
- 112 c. All internal affairs investigations of police officers.
- 113 (2) For the purpose of this Chapter, "use of force" shall be defined as the application of
114 physical techniques or tactics, chemical agents, or weapons to another person. The
115 display of a firearm or a taser shall be considered a use of force for the purpose of this
116 Chapter. When a person submits to being searched, escorted, or restrained, such search,
117 escort, or restraint shall not be considered a use of force for the purpose of this Chapter.
- 118 (3) For the purpose of this Chapter, "vehicular pursuit" shall be defined as an active attempt
119 by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are
120 attempting to avoid apprehension through evasive and unlawful tactics.
- 121 (4) The Board shall review no other matters beyond those listed in this Section.

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123 **3-18-105. MEETINGS OF THE BOARD.**

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- 125 (1) The Board shall meet monthly at a time and place to be determined by the City Manager.
126 Board meetings shall be publicly noticed.
- 127 (2) The Board shall be authorized to hold special meetings, provided public notice is given of
128 the time and place of such meetings.
- 129 (3) At the opening of each meeting of the Board, the Board shall hear public comments. This
130 portion of the meeting shall be open to the public and shall not exceed thirty minutes.

131 The purpose of this comment period is to allow citizens to voice any opinions or concerns
132 regarding policing issues in West Valley City.

133 (4) Before the comment period, the chairperson of the Board shall instruct the audience as
134 follows:

- 135 a. The comment period is an informal opportunity to voice concerns regarding
136 policing issues in West Valley City. All comments shall relate to policing issues
137 and not to other matters of general concern;
- 138 b. Any person wishing to comment shall request recognition by the chairperson;
- 139 c. Upon recognition, the citizen shall approach the microphone and address the
140 chairperson;
- 141 d. All citizen comments shall be directed to the chairperson and the Board, not other
142 members of the audience or other staff members;
- 143 e. No person speaking during the comment period shall allow his comments to
144 exceed five minutes;
- 145 f. Citizens should not expect debate or dialogue, although the chairperson or Board
146 members may respond if they so choose; and
- 147 g. If a citizen violates these requirements or behaves in a disruptive or disorderly
148 manner, he or she shall be removed from the meeting.

149 (5) Following the conclusion of the public comment period, the chairperson shall close the
150 meeting to the public to discuss specific matters before the Board.

151 **3-18-106. FINDINGS AND RECOMMENDATIONS OF THE BOARD.**

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154 (1) In addition to Internal Affairs investigations, the Internal Affairs division of the Police
155 Department shall investigate all uses of force and vehicular pursuits, providing the results
156 of the investigation to the Board. The Board shall ask any questions or request any
157 information that the Board deems appropriate.

158 (2) Upon reviewing the evidence presented by the Internal Affairs division, the Board may
159 take one of three actions:

- 160 a. Request additional information from the Internal Affairs division concerning the
161 issue, with a final recommendation to occur at a future meeting;
- 162 b. Recommend that the Chief of Police find that no wrongful conduct or violation of
163 policy occurred; or
- 164 c. Recommend that the Chief of Police find that wrongful conduct or violation of
165 policy occurred. If this option is exercised, the Board shall set forth with
166 specificity the wrongful conduct or policy violations that occurred and any
167 disciplinary action that the Board may find to be appropriate.

168 (3) All Board recommendations to the Chief of Police shall be in writing and shall be signed
169 by the chairperson.

170 **3-18-107. TRAINING OF BOARD MEMBERS.**

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173 (1) All members of the Board shall receive training administered by the West Valley City
174 Attorney's office. This training shall cover all topics suggested by the National
175 Association for Civilian Oversight of Law Enforcement, as well as any other topics
176 deemed appropriate by the City Attorney's office or by the City Manager.

- 177 (2) All members of the Board shall receive this training annually.
178 (3) Board members are encouraged to participate in ride-alongs with other law enforcement
179 agencies in the state of Utah. However, such participation is not required of Board
180 members.

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182 **3-18-108. QUARTERLY AND ANNUAL BOARD REPORTS.**
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- 184 (1) The Professional Standards Review Board shall provide quarterly and annual reports
185 concerning the operations of the Board. These reports shall be presented to the City
186 Council and shall be made public.
187 (2) Quarterly reports shall include the following information:
188 a. Total number of uses of force by the West Valley City Police Department during
189 the quarter;
190 b. Total number of unjustified or improper uses of force by the West Valley City
191 Police Department during the quarter;
192 c. Total number of vehicular pursuits by the West Valley City Police Department
193 during the quarter;
194 d. Total number of improper vehicular pursuits by the West Valley City Police
195 Department during the quarter;
196 e. Total number of Internal Affairs investigations referred to the Board during the
197 quarter; and
198 f. Total number of Internal Affairs investigations referred to the Board during the
199 quarter in which improper conduct was found.
200 (3) Annual reports shall include the following information:
201 a. Total number of uses of force by the West Valley City Police Department during
202 the year;
203 b. Total number of unjustified or improper uses of force by the West Valley City
204 Police Department during the year;
205 c. Total number of vehicular pursuits by the West Valley City Police Department
206 during the year;
207 d. Total number of improper vehicular pursuits by the West Valley City Police
208 Department during the year;
209 e. Total number of Internal Affairs investigations referred to the Board during the
210 year; and
211 f. Total number of Internal Affairs investigations referred to the Board during the
212 year in which improper conduct was found.
213 g. Recommendations concerning City policing practices; and
214 h. Any specific areas where the Police Department requires improvement, additional
215 training, or policy changes.
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217 **3-18-109. OTHER REGULATIONS GOVERNING THE OPERATION OF THE**
218 **BOARD.**
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220 The City Manager is authorized to implement additional regulations governing the Board.
221 However, all regulations shall be consistent with this Chapter.

222 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid
223 by a court of competent jurisdiction, the remainder shall not be affected thereby.

224 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon
225 posting in the manner required by law.

226 PASSED and APPROVED this 21st day of May, 2013.

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WEST VALLEY CITY

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MAYOR

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235 ATTEST:

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CITY RECORDER

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