



## South Salt Lake City Council Amended Work Meeting Agenda

Public notice is hereby given that the South Salt Lake City Council will hold a Work Meeting on **Wednesday, July 8, 2020**. This meeting will be an electronic meeting commencing at **5:30 p.m.**, or as soon thereafter as possible. There will be no Council Members at the anchor location of South Salt Lake City Hall.

Conducting: Sharla Bynum, Council Chair

### MATTERS FOR DISCUSSION:

1. Citizen Review Board Discussion

Posted July 6, 2020

Those needing auxiliary communicative aids or other services for this meeting should contact Craig Burton at 801-483-6027, giving at least 24 hours' notice.

Please click the link below to join the webinar:

<https://zoom.us/j/94633682975?pwd=eU9TNG9KWDd4ZGNJNSStRYU9wR292UT09>

Password: 880044

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US: +13462487799,,94633682975# or +16699006833,,94633682975#

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US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 946 3368 2975

International numbers available: <https://zoom.us/u/adirvkWy42>

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### CITY COUNCIL

#### MEMBERS:

LEANNE HUFF  
COREY THOMAS  
SHARLA BYNUM  
PORTIA MILA  
SHANE SIWIK  
NATALIE PINKNEY  
RAY DEWOLFE

I, Sharla Bynum, City Council Chair, hereby determine that conducting the City Council meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, The Governor of Utah, the County Health Department and Mayor, and the Mayor of South Salt Lake City have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2. Due to the State of emergency caused by the global pandemic, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to information from State Epidemiology, the State is currently in an acceleration phase, which has the potential to threaten the State's healthcare system.

Dated: July 2, 2020

Signed: \_\_\_\_\_ /s/ Sharla Bynum

CITY OF SOUTH SALT LAKE  
CITY COUNCIL WORK MEETING

COUNCIL MEETING

Wednesday July 8, 2020  
5:30 p.m.

CITY OFFICES

220 East Morris Avenue #200  
South Salt Lake, Utah 84115

PRESIDING  
CONDUCTING

Council Chair Sharla Bynum  
Council Chair Sharla Bynum

COUNCIL MEMBERS PRESENT:

Sharla Bynum, Ray deWolfe, LeAnne Huff, Portia Mila, Natalie Pinkney  
Shane Siwik and Corey Thomas

STAFF PRESENT:

Mayor Cherie Wood  
Charee Peck, Chief of Staff  
Hannah Vickery, City Attorney  
Terry Addison, Fire Chief  
Jack Carruth, Police Chief  
Dennis Pay, City Engineer  
Mont Roosendaal, Public Assets Director  
Randy Sant, Economic Development Consultant  
Lindsey Edwards, Homeless Outreach & Strategies Director  
Antoinette Evans, Urban Livability Director  
Sharen Hauri, Urban Design Director  
Kelli Meranda, Promise South Salt Lake Director  
Sean Lewis, Deputy Community Development Director  
Dave Alexander, Streets Division Manager  
Corby Talbot, Stormwater Division Manager  
Julie Taylor, Public Relations Coordinator  
Cody Coggle, Police Sergeant  
Chad Leetham, Police Officer  
Scott Turnblom, IT Manager  
BJ Allen, GIS Specialist/IT  
Danielle Croyle, Public Information Officer  
Calvin Henninger, Staff Writer  
Craig Burton, City Recorder  
Ariel Andrus, Deputy City Recorder

**Matters for Discussion**

- 1. Citizen Review Board Discussion.** Council Chair Bynum had the City Council look over the West Valley City Ordinance regarding their Citizen Review Board and then from there come up with any questions they may have. A copy of that ordinance is attached and incorporated by this

reference. The questions and comments will help guide the City Attorney's in drafting any ordinance.

Police Chief, Jack Carruth, said he has met with some of the City Council and the idea for a Citizen Review Board came about. West Valley City adopted an ordinance a few years ago and he liked the way their board was structured. He would like to see the Council come up with an ordinance, similar to what West Valley has done but meets the needs of South Salt Lake.

City Attorney, Hannah Vickery, explained there is discussion of possible legislation on the topic. In light of that, she said her main question is whether the Council wants to lead out and trial to be a model in Utah or whether the Council would like to wait to see what policy direction comes from the State and Federal government through legislation. Ms. Vickery explained that if there is new legislation after enacting a local process we will need to review to and possible update or modify to ensure compliance with applicable law. Ms. Vickery further provided that there is some applicable language in State law related to the topic and limiting the authority of these boards. Ms. Vickery also opined that a Citizen Review Board would be subject to the Open Public Meetings Act so that should be taken into account when discussing policy decisions.

Council Chair Bynum said South Salt Lake would like to be a model City for this board.

Council Member Pinkney feels that the Council needs to be on the same page on what they would envision a Citizen Review Board doing. She would like to have a better understanding to what this board can and cannot do.

Ms. Vickery said another approach the City Council could take would be to have City staff propose a draft making recommendations for the Council to discuss and provide feedback on. She also added that the Council and City staff could hold small group meetings to discuss the law and provide legal advice related to the discussion. She also said another approach would be to take the concerns the Council is hearing from residents and see if some of those concerns could be addressed in the ordinance.

Council Member Pinkney said she is having a hard time envisioning what a Citizen Review Board should do when she doesn't fully understand what authority this board would have under State law. An example of something she envisions the board doing would be reviewing community complaints but she believes that under statute ten that is currently illegal. Her biggest concern is that South Salt Lake is going to create a board similar to the board in Salt Lake City and that board doesn't have much authority. The residents she had heard from in South Salt Lake would like a Citizen Review Board with some power and right now she is not sure that is possible.

Council Member Siwik asked what the current process is for handling a citizen complaint about an officer.

Chief Carruth said a person with a complaint can call the on duty Sergeant, fill out a written complaint or contact the Chief directly. After the complaint is filed the Sergeant will review the complaint, watch the body cam footage and speak directly to the officer about the complaint. After that a supervisor activity report is created and classified as a complaint. The Sergeant will file the complaint and then it will be reviewed by the Lieutenant if it is approved the complaint would then move on to the Deputy Chief and up to the Chief.



1                   **LOCAL LAW ENFORCEMENT STRUCTURE AND**  
2                   **GOVERNANCE AMENDMENTS**

3                   2019 GENERAL SESSION

4                   STATE OF UTAH

5                   **Chief Sponsor: Paul Ray**

6                   Senate Sponsor: Don L. Ipson

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8                   **LONG TITLE**

9                   **General Description:**

10                  This bill prohibits a municipality from establishing a board or committee with certain  
11 powers over a police chief.

12                  **Highlighted Provisions:**

13                  This bill:

- 14                  ▶ prohibits a municipality from establishing a board or committee with certain powers
- 15 over a police chief;
- 16                  ▶ establishes limitations on a municipality's power to establish a board or committee
- 17 that relates to the provision of law enforcement services; and
- 18                  ▶ makes technical changes.

19                  **Money Appropriated in this Bill:**

20                  None

21                  **Other Special Clauses:**

22                  None

23                  **Utah Code Sections Affected:**

24                  AMENDS:

25                  **10-3-910**, as enacted by Laws of Utah 1977, Chapter 48

26                  **10-3-913**, as last amended by Laws of Utah 2017, Chapter 459

27                  **10-3-918**, as last amended by Laws of Utah 2003, Chapter 292

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28  
29                  *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section 10-3-910 is amended to read:

31 **10-3-910. Heads of departments and subordinate officers.**

32 (1) The administration of the police and fire departments shall consist of a chief of  
33 ~~[the] each~~ department and ~~[such] other~~ officers, members, employees and agents ~~[as the board~~  
34 ~~of commissioners may by ordinance prescribe, and the board of commissioners]~~ as provided by  
35 ordinance or statute.

36 (2) The ~~[shall appoint the]~~ heads of ~~[such] the~~ police and fire departments shall be  
37 appointed in accordance with Title 10, Chapter 3b, Forms of Municipal Government.

38 Section 2. Section 10-3-913 is amended to read:

39 **10-3-913. Authority of chief of police -- Oversight.**

40 (1) The chief of police has the same authority as the sheriff within the boundaries of  
41 the municipality of appointment. The chief has authority to:

- 42 (a) suppress riots, disturbances, and breaches of the peace;
- 43 (b) apprehend all persons violating state laws or city ordinances;
- 44 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the  
45 peace, good order, and protection of the rights and property of all persons;
- 46 (d) attend the municipal justice court located within the city when required, provide  
47 security for the court, and obey its orders and directions; and
- 48 (e) create a child protection unit, as defined in Section 62A-4a-101.

49 (2) This section is not a limitation of a police chief's statewide authority as otherwise  
50 provided by law.

51 (3) The chief of police shall ~~[, on or before January 1, 2003,]~~ adopt a written policy that  
52 prohibits the stopping, detention, or search of any person when the action is solely motivated  
53 by considerations of race, color, ethnicity, age, or gender.

54 (4) (a) Notwithstanding Sections 10-3-918 and 10-3-919, a municipality may not  
55 establish a board, committee, or other entity that:

- 56 (i) has authority independent of the chief of police; and
- 57 (ii) (A) has authority to overrule a hiring or appointment proposal of the chief of

58 police;

59 (B) is required to review or approve a police department's rules, regulations, policies,  
60 or procedures in order for the rules, regulations, policies, or procedures to take effect;

61 (C) has authority to veto a new policy, or strike down an existing policy, established  
62 under the authority of the chief of police;

63 (D) is required to review or approve a police department's budget in order for the  
64 budget to take effect; or

65 (E) has authority to review or approve a contract the police department makes with a  
66 police union or other organization.

67 (b) Nothing in this Subsection (4):

68 (i) limits the authority the Utah Code provides over the chief of police;

69 (ii) prohibits the municipal council or chief executive officer from taking a lawful  
70 action described in Subsection (4)(a)(ii) that is allowed by law; or

71 (iii) limits the authority of a civil service commission established in accordance with  
72 Title 10, Chapter 3, Part 10, Civil Service Commission.

73 (5) Subject to Subsection (4), a municipality may establish a board, committee, or other  
74 entity that relates to the provision of law enforcement services and that has authority  
75 independent of the chief of police if the municipality:

76 (a) directly appoints the board, committee, or other entity's members; and

77 (b) provides direct oversight of the board, committee, or other entity.

78 Section 3. Section **10-3-918** is amended to read:

79 **10-3-918. Chief of police or marshal in a city of the third, fourth, or fifth class or**  
80 **town.**

81 ~~[The]~~ Subject to Subsection [10-3-913\(4\)](#), the chief of police or marshal in each city of  
82 the third, fourth, or fifth class or town:

83 (1) shall:

84 (a) exercise and perform the duties that are prescribed by the legislative body;

85 (b) be under the direction, control, and supervision of the person or body that appointed

86 the chief or marshal; and

87 (c) [~~on or before January 1, 2003,~~] adopt a written policy that prohibits the stopping,  
88 detention, or search of any person when the action is solely motivated by considerations of  
89 race, color, ethnicity, age, or gender; and

90 (2) may, with the consent of the person or body that appointed the chief or marshal,  
91 appoint assistants to the chief of police or marshal.

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

7  
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.**

13  
14 **WHEREAS**, civilian oversight is essential to a professional and effective police force;  
15 and

16  
17 **WHEREAS**, citizen participation contributes to responsive, honest and ethical conduct  
18 within the Police Department; and

19  
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

22  
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.

26  
27 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,  
28 Utah, as follows:

29  
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	<b>3-18</b>	<b>Professional Standards Review Board</b>

55  
56

**CHAPTER 3-18**

**PROFESSIONAL STANDARDS REVIEW BOARD**

58

**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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71

**3-18-101. ESTABLISHMENT OF THE BOARD.**

73

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.

77

**3-18-102. PURPOSE.**

79

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.

83  
84

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

- 86
- 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.

106

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

- 108
- 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.

122

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

- 124
- 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.**

152  
153  
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.

### 170 171 **3-18-107. TRAINING OF BOARD MEMBERS.**

172  
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.

181  
182 **3-18-108. QUARTERLY AND ANNUAL BOARD REPORTS.**  
183

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.

216  
217 **3-18-109. OTHER REGULATIONS GOVERNING THE OPERATION OF THE**  
218 **BOARD.**  
219

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 21<sup>st</sup> day of May, 2013.

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228

WEST VALLEY CITY

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MAYOR

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235 ATTEST:

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CITY RECORDER

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