

Aug 3, 2020

Executive Order No. 5

**Order Directing the Police Chief to Adopt and Implement Certain Reforms to
Salt Lake City Police Department Policies by September 5, 2020**

Effective Date: August 3, 2020

Subject: Order Directing the Police Chief to Adopt and Implement Certain Reforms
to Salt Lake City Police Department Policies by September 5, 2020

Authority Signature: Erin Mendenhall, Mayor

Preface:

Racial and social disparities continue to exist in Salt Lake City across all agencies and institutions, despite federal, state, and local legislation as well as past efforts to remedy these inequities. Uncovering those disparities and fostering equity in access to every opportunity in Salt Lake City has been a primary priority for my Administration since entering office on January 6, 2020.

To that end, my Administration, with the support of the City Council, funded and has commenced the undertaking of a comprehensive Citywide Equity Plan, which will examine equity indicators in the City workplace as well as identify where the City has historically invested resources and how it has, or has not, provided access to opportunity across our City. The goal is to identify where we can repair historic and current inequities, build bridges over gaps in access to opportunity, and make equity a continuous and driving force of Salt Lake City government.

However, the death of George Perry Floyd on May 25, 2020 at the hands of Minneapolis Police Department officers prompted residents nationwide and in Salt Lake City to demand that local governments address systemic racism in police departments and enact policies to establish racial equity in policing. Those demands intensified at the local level with the May 23, 2020 shooting of Bernardo Palacios Carbajal by SLCPD officers.

My Administration, with the support of the City Council, is committed to receiving the expert, independent advice of the community to evaluate the Salt Lake City Police Department's policies, culture, and budget, and created the Commission on Racial Equity in Policing to carry out that work.

While the Commission will independently examine every relevant policy under which SLCPD operates, some progress is possible immediately. To that end, I directed my administrative team, including the Chief of Police and his team, to analyze nationwide best practices and progressive policies on use of force, body-worn cameras, consent to search, and other key areas to discover what changes our department could make immediately.

On June 9, 2020, SLCPD formalized in policy the prohibition on using chokeholds or knees to neck as a restraint tool. SLCPD also formalized the prohibition on using tear gas and other aerosols to disperse crowds.

Today, to further my vision of ensuring that SLCPD continues to be the most professional, well-trained, and progressive police department in the State of Utah and beyond, I am directing the Police Chief to adopt and implement specific changes to the SLCPD Policy Manual on use of force, body-worn cameras, and consent to search.

NOW THEREFORE, I hereby issue this Executive Order directing Police Chief Mike Brown to enact the following changes to the Salt Lake City Police Department Policy Manual no later than September 5, 2020.

Section 1. Use of Force (Policy 300)

The Use of Force policy will be more restrictive than the current constitutional floor of *Graham v. Connor*, which requires for an officer's use of force to be "objectively reasonable" under the Fourth Amendment. Officers must always use de-escalation techniques before using force (unless it is unreasonable to do so), force must only be used when necessary, and force used must be proportionate to the situation. Officers will have an affirmative, individual duty to ensure their own compliance with this policy as well as the conduct of other officers.

300.2.1 Duty to intercede

Duty to intercede has been in SLCPD policy, but the proposed change further clarifies officers' and supervisors' responsibilities. Previously, officers were expected to intercede when they observed a fellow officer using inappropriate force. Now, officers will be expected to intercede when they reasonably believe that an officer is about to use force or other action that is illegal, excessive, or inconsistent with policy. The officer will be expected to do whatever he or she can to stop the flow of events to prevent or cease the use of force. The policy will specify that if a supervisor observes a violation or impending violation, he or she must issue a direct order to stop the violation. Finally, the new policy will incorporate an anti-retaliation provision for officers who intercede, report a violation, or cooperate in an investigation.

300.3.1 Use of Force to Effect an Arrest

Unless unreasonable, de-escalation tactics will be mandatory prior to using force to effect an arrest. Officers shall employ effective communication techniques, attempt to establish rapport, use appropriate voice intonation, ask questions and provide advice to reduce conflict, and engage in other techniques to achieve voluntary compliance.

300.5 Deadly Force Applications

The policy will now include a definition of both “necessary” and “imminent”. This is important to ensure that deadly force will only be used in limited situations where the threat of death or serious bodily injury to the officer or others is impending and no other use of force would subdue that threat.

300.8 Reporting the Use of Force

The policy will further specify what the officer must include when reporting on a use of force, including attempts to de-escalate and warnings provided.

300.9 Medical Consideration

This policy will now include a provision that spells out that persons under an officer's control must be positioned in a way so as not to obstruct breathing.

300.10 Investigating Uses of Force

This policy will now require that two levels of supervisors review every use of force, not just those uses of force that result in injury.

(New subsection) Tactics Preceding Use of Force

The policy manual will require officers to not engage in aggressive behavior that escalates a situation. It will include a new section stating that officers shall not contribute to a situation in a manner that could lead to use of force by taking unnecessary, overly aggressive action. Evaluation of an officer's use of force will take into account whether an officer used these tactics.

(New subsection) No Deadly Force in Self-Harm Cases

The policy manual will include a new section stating that officers may not use deadly force to prevent an individual from self-harming where the individual is not an immediate threat to others.

Section 2: Search and Seizure (Section 310)

This policy will include a new subsection titled Consent Searches of Vehicles and Real Property. Officers must get verbal (if recorded on body-worn camera) and/or written consent to search vehicles and property without a warrant, and will inform people of their right to refuse to consent to a search and limit the scope and time of any such search.


Section 3. Body Worn Cameras (Policy 422)

This policy will now go beyond requirements in Utah State Code to include specific disciplinary considerations that will govern officers who fail to activate body-worn cameras or intentionally de-activate them.

Dated this 3rd day of August, 2020,



Approved as to Form:
Salt Lake City Attorney's Office


Katherine Lewis (Aug 3, 2020 15:40 MDT)

Katie Lewis, City Attorney


erin mendenhall (Aug 3, 2020 15:41 MDT)

Erin Mendenhall, Mayor

Attest:


Cindy Trishman (Aug 3, 2020 15:43 MDT)

City Recorder Cindy Trishman