



**PARK CITY POLICE COMPLAINT REVIEW COMMITTEE
SUMMIT COUNTY, UTAH
August 19, 2024**

The Police Complaint Review Committee of Park City, Utah, will hold its regular meeting in person at City Hall, 445 Marsac Avenue, Park City, Utah 84060 on August 19, 2024. Meetings will also be available online and may have options to listen, watch, or participate virtually.

<https://us02web.zoom.us/j/82785191769>

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM BOARD AND STAFF

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the Police Complaint Review Committee Minutes from 01/09/2023

V. NEW BUSINESS

1. Open Meetings Act Training
2. General Committee Questions
3. Policies and Procedures Review
4. Vote in Chair Pro-tem

VI. ADJOURNMENT

A majority of Police Complaint Review Committee members may meet socially after the meeting. If so, the location will be announced by the Chair. Committee business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Executive Assistant to the Chief of Police at 435-615-5505 at least 24 hours prior to the meeting.

PCRC Meeting Minutes

Park City, UT

January 9, 2023

Regular Meeting

1. **Roll Call**-Michelle Downard, Chief Wade Carpenter, Austin Lau, Sharon Hanson, Lee Gerstein, Amir Vansover, Luke Henry, Beth Bynan, Zoom: Councilman Jeremy Rubell, Mary-Christa Smith
2. **Review Meeting Minutes**-Amir Vansover motioned to adopt the minutes from the March 7, 2022 meeting. The motion was seconded by Austin Lau, and then fully adopted by the rest of the committee members.
3. **Recognize the Open Meetings Rule**- the group discussed the use of personal emails and whether that was acceptable. Luke Henry stated that personal email use was acceptable, however, the emails are subject to GRAMA.
4. **Electronic Meetings Rule**- Amir Vansover moved to adopt the draft rule, the motion passed and was adopted.
5. **Polices and Procedures Review**- The group discussed the “life-cycle” of a complaint.
 - a. A complaint is made.
 - b. A Sergeant reviews the complaint to determine whether a policy was violated.
 - i. Most often, the complaint is handled at this level.
 - ii. If a policy was violated, the complaint is referred to Lt. Vai Lealaitafora for review.
 - c. If the complainant is still unsatisfied after the review, an Internal Affairs investigation is initiated. The complaint can either be founded, unfounded, sustained or exonerated.
 - d. If the complaint is sustained, the complainant can request the complaint be reviewed by the Police Complaint Review Committee.
 - e. Once the complaint is reviewed, the committee makes a recommendation to the Chief for how to address resolving the complaint.
 - i. The Chief is not required to follow the recommendation of the committee, but takes its recommendation very seriously when deciding how to address and resolve the complaint.

Lee Gerstein asked if the complainant can appear with the committee, Chief Carpenter verified that yes, they may appear if they want.

Sharon Hanson expressed that she likes that the committee has the opportunity to give guidance, advice and suggestions to the department-not just determining “right” or “wrong”.

Amir and Austin shared their experiences with the VirTra training simulator. Both stated the training was eye-opening and worthwhile.

6. **Elect a Chair Pro-Tem**- Austin Lau was nominated by Amir Vansover to be the Chair Pro-Tem. The motion was seconded by Lee, Sharon, and May Christa. Austin Lau will be the new Chair Pro-Tem.

7. **General Committee and Comments-** Lee asked if any of the benefits that are extended to committee could be donated to the officers. The group explained that the officers are already extended these benefits (PC MARC pass, ski passes, etc.) by being employees of the City.

Chief Carpenter expressed that PCPD is very selective on who they hire, ensuring that the department only hires the best of the best.

Chief Carpenter discussed his work with POST Council and IACP and talked about being on the frontline of best and emerging practices world-wide.

DRAFT

Park City Police Complaint Review Committee

Policies and Procedures

I. Purpose

The purpose of the Park City Police Complaint Review Committee (the “Committee”) is to act in the capacity of an advisory body, which will review proposed complaint dispositions of complaints filed against police personnel and/or police procedure, if formally requested and to provide recommendations to the Chief of Police on those complaints reviewed.

II. Organization

The Committee shall consist of five (5) eligible community members, and one (1) appointed City staff member as the City Manager’s designee. An attorney from the City Attorney’s Office will be assigned to act as a legal liaison to the Committee by the City Attorney. The Chief of Police shall be an ex officio member and shall provide all necessary staff support and information to the Committee. The City Council may appoint a Council Liaison.

The City Manager’s designee shall act as the Chairperson for the Committee and in the absence of the Chairperson, the Chairperson pro-tem shall perform the duties of the Chairperson.

The Chairperson shall be a non-voting member. The Chairperson pro-tem shall be elected by a majority vote of the members of the Committee at the first meeting of the Committee each calendar year.

III. Appointment of Committee Members

The Mayor and City Council shall solicit applications from interested community members. Each applicant shall apply for a specific three (3) year term of office. Each applicant will be interviewed by the Mayor and City Council or their designee. The Mayor and City Council shall appoint five (5) applicants to the Committee.

The City Manager’s appointed designee may rotate as determined in the sole discretion of the City Manager.

Police officers and all other employees of the City are ineligible for appointment to fill the community-member positions on the Committee.

IV. Voluntary Service

Members of the Committee shall perform their services on the Committee without pay or other compensation, except for payment of reimbursement of expenses actually and reasonably incurred and as approved by the Chief of Police.

Community members shall be deemed volunteers as defined in Title 67, Chapter 20, Utah Code, as amended, or any successor statute.

Members shall be immune from any liability with respect to any decision or action taken in the performance of their duties and responsibilities on the Committee as provided by Title 63G, Chapter 8, Section 101 et seq. of the Utah Code, as amended, or any successor statute.

V. Term of Office

The five (5) community-members will serve three (3) year staggered terms. Each member's term shall expire on June 30th of the expiration year, except that a member shall serve until a successor has been duly appointed.

Community-members shall not serve for more than two (2) consecutive full terms.

VI. Removal from Office

Any community-member of the Committee may be removed from the Committee by the Mayor, with approval of Council, for cause, prior to the normal expiration of the term for which the member was appointed.

VII. Vacancy Filling

Any vacancy on the Committee shall be filled for the remaining term of the vacated member in the same manner as the member whose position has been vacated was appointed.

VIII. Members' Ethics

Members shall be subject to and bound by the provisions of the City's conflict of interest ordinance (Municipal Code of Park City Title 3). In addition to being bound by Title 3, if a conflict of interest arises with respect to a particular complaint review, the Committee member(s) shall recuse himself/herself from that review. Any violation of this provision or the provisions incorporated herein by reference shall be grounds for removal from the Committee.

IX. Eligibility for Membership

To be eligible for appointment to the Committee, a person shall be at least 21 years of age. Community-members shall reside within the incorporated limits of Park City. No person may have any felony convictions, or misdemeanor convictions where a dishonest act or false statement is an element of the offense. If a Committee member, during his or her term, is formally charged with such an offense, the Committee member shall immediately notify the Chief of Police of such charges(s). Post-appointment convictions shall be a basis for removal.

X. Training

Each member shall receive training regarding the duties of the Committee and police practices and procedures.

The Chief of Police shall specify the nature of the training and may include attendance at specific police training classes and participation in ride-along training in police vehicle during police shifts.

The Committee Chair shall ensure that all members are provided with annual training on the requirements of the Open and Public Meetings Act.

XI. Meeting Types

Review of Proposed Complaint Dispositions: The Committee shall meet within a reasonable time after receiving a request for review. The Committee shall meet only if there are requests filed on proposed complaint dispositions, except that the Committee shall convene at least once per annum for the purpose described in Section XXI below.

Emergency Meetings: The Chief of Police or the Committee Chair may call a meeting of the Committee if a circumstance exists in which a request has been filed and the complainant will be leaving the City without return or would be unavailable for an extended period of time. A minimum of seventy-two (72) hours' notice will be given to the Committee members.

Meeting Location: The Committee shall meet at a Park City Municipal Corporation location as specified in the public notice.

Record of Meetings: Each meeting, whether open or closed, shall be recorded by an audio or audio/video recording device. The Chief's Executive Assistant shall, within three (3) business days after holding a public meeting, make the audio recording of the open meeting available to the public. In addition, the Chief's Executive Assistant shall keep written minutes for open meetings in accordance with Title 52, Chapter 4 of the Utah Code. The Committee, may, but is not required to keep written minutes during closed proceedings. All recordings and minutes of the closed meetings shall be classified as 'PROTECTED' and will be available only to those who meet the GRAMA standard for release.

Policy for Approval of Pending Minutes:

Minutes of open meetings are considered “pending minutes” and are subject to change until approved by the Committee. Pending minutes shall be labeled “draft,” “subject to approval,” or labeled with other equivalent language. The Chief’s Executive Assistant shall deliver pending minutes to each Committee member and shall make pending minutes available to the public within a reasonable amount of time after the meeting that is the subject of the pending minutes.

The Committee shall consider for approval the pending minutes at the meeting that immediately follows the meeting that is the subject of the pending minutes. The Committee shall vote to approve, correct, or amend the minutes, and then may vote to approve any corrected or amended minutes.

If the Committee fails to consider for approval the pending minutes at the meeting that immediately follows the meeting that is the subject of the pending minutes, the pending minutes shall be deemed approved by the Committee.

Approved minutes shall bear the signature of the Chief’s Executive Assistant. Approved minutes are the official record of the open meeting and shall be made available to the public within three (3) business days after approval.

Open and Public Meetings Act: The Committee shall provide notice to the public, keep and publish minutes, and otherwise conduct meetings in accordance with Title 52, Chapter 4 of the Utah Code, as amended, or any successor statute. All Committee meetings are open to the public until closed. Meetings may be closed only for the purposes described in Title 52, Chapter 4, Section 205, and require an affirmative vote of 2/3 present (2 of 3, 3 of 4, 4 of 5), provided there is a quorum. During closed meetings, Committee members shall discuss only those matters that are permitted by Title 52, Chapter 4, Section 205 of the Utah Code. All other matters must be discussed during open meetings.

XII. Quorum and Vote

A quorum, which shall consist of at least 3 Committee members, shall be necessary to conduct any business. All actions of the Committee shall be presented for a vote to the members. Three (3) affirmative votes of the voting members present at a meeting which a quorum is present shall be required for any action to be taken, subject to the 2/3 affirmative voting requirement for closing a meeting as described in the Open and Public Meetings Act section above.

The decision of the Committee is advisory only. The Chief of Police and City Manager shall have final decision authority regarding disciplinary action against police personnel.

XIII. Scheduled Committee Meetings

Committee meetings will be held as prescribed in the 'Meeting Types' section.

The Committee shall meet to review documents and other records with respect to proposed complaint dispositions against police personnel and/or policy and procedures and internal police investigations and their respective proposed dispositions if formally requested.

At least ten (10) business days prior to a Committee meeting an agenda will be provided to each member outlining the content of the meeting. Attached to the agenda will be materials for review for each agenda item if appropriate.

Members of the Committee shall treat any police documents provided as confidential at all times, including after the conclusion of a review. All 'PROTECTED' material provided to the Committee shall not be removed from the meeting room once the meeting has concluded.

Documents and other records provided to Committee Members shall not contain the names, addresses or identifying information of individuals involved. Except during Committee meetings, individuals shall not be mentioned by name in any verbal or written statements by the Committee or its members.

XIV. Committee Reports

After each Committee complaint review meeting a report shall be prepared highlighting the Committee's findings, conclusions and recommendations regarding the closed agenda items discussed and acted upon. This report shall be completed within thirty (30) calendar days after the Committee meeting and shall be classified as 'PROTECTED.'

The Chief's Executive Assistant will prepare the report for internal distribution only. A copy of the Committee's report will be provided to members of the City Council. Each Committee member will also receive a copy of the Committee's report.

XV. Community Requested Review of Proposed Complaint Disposition

The Police Department will establish and publicize the processes by which a proposed complaint disposition can be reviewed by the Committee, and further will establish a "hot-line" phone number where information can be obtained and requests for review can be made. Development of brochures and written publicity materials for education of the public will be undertaken. As well, media exposure outside of the written media will be undertaken.

Any person, other than a police officer who was the subject of a complaint, who is dissatisfied with the proposed disposition found by the police department regarding a

complaint filed against a police officer or police policies and procedures may request a review by the Committee of the proposed disposition.

A request for review may be filed in one of the following ways; in written form, through the “hot-line” phone number, in person or by mail. Requests may be delivered to either the office of the Chief of Police or the office of the City Manager, or directly to a Committee member.

The request must be filed within fifteen (15) calendar days after the person’s receipt of the ‘Letter of Proposed Disposition’ from the police department. Extraordinary circumstances may be exempted for this deadline in the sole discretion of the City Manager.

The request must include; (1) the name, address, and telephone number of the person requesting the review; (1A) the name, address, and telephone number of the complainant if different from the requestor; (2) the approximate date the complaint was filed (if known); (3) the substance of the complaint and any supporting documents, and (4) the reason or reasons the complainant is dissatisfied with the police department’s proposed disposition.

The Chief of Police will not have a vote in the review meetings, but will act as the department liaison, available to answer questions or obtain additional information as requested by the sitting Committee members.

XVI. Complaint Review Process

When a review is requested, the Chief of Police, acting as the department liaison capacity, shall supply all the sitting Committee members, all pertinent documents and investigative materials related to the original complaint and investigation. Any information furnished by the complainant shall be forwarded to the Committee.

All closed review meetings held pursuant to Title 52, Chapter 4, Section 205 of the Utah Code, as amended, or any successor statute are confidential and closed to anyone but the Committee members, staff liaison members, and Internal Affairs investigator(s).

The Internal Affairs investigator(s) in charge of investigating a particular complaint shall attend when requested by the Committee, review meetings relating to that particular complaint and shall address all questions relevant to the investigation.

After the review meeting, the Committee shall reach a conclusion and provide an advisory recommendation. A report of the Committee’s conclusion(s) and recommendation(s) will be completed by staff and shall be classified as ‘PROTECTED.’

Committee advisory recommendations may include; (1) further investigative action or review by the Chief of Police to clarify and/or to expand the investigation or review; (2) review of department policy or procedure for adjustment, revision, or modification; or (3) both.

The Committee advisory recommendation shall not involve specific recommendations regarding discipline of individual officers or police personnel.

Within thirty (30) calendar days after receiving the Committee's report, the Chief of Police shall ensure that the individual requesting the review and the original complainant, if they are not the same person, will be notified of the intended actions of the Chief of Police via a 'Letter of Final Disposition,' which shall be classified as 'PUBLIC.' The reports containing the Committee's conclusions and recommendations will not be disclosed to the original complainant, person requesting the review, or any other member of the public, except as required under Title 63G of the Utah Code.

A 'PROTECTED' copy of the Committee's conclusion(s) and recommendation(s) will be forwarded to City Council members.

All Committee documents will be maintained in the Administrative Offices of the Chief of Police in a secured location in accordance with Record Retention Schedules.

XVII. Cooperation and Coordination

The Chief of Police shall provide complete and prompt cooperation to the Committee members in the discharge of its duties.

XVIII. Committee Actions

The recommendations of the Committee shall not be deemed to bind the Chief of Police or the City Manager in their final disposition.

Nothing in this document shall be construed to be a delegation of the powers of the Chief of Police, City Manager or the Mayor and City Council.

XIX. Committee Attendance

Committee members should make every effort to attend scheduled meetings. The Committee can recommend to the Chair that a member be replaced if they miss three (3) or more consecutive meetings.

XX. Committee Requests for Information

All information requests from Committee members will be directed to and authorized by the Chief of Police.

XXI. Committee Policy and Procedures Review

Policy and procedures for the Committee shall be reviewed for changes and updates on an annual basis. This review is open to the public.

*Adopted by Res. [35-03](#) on 12/11/2003
Amended by Res. [23-10](#) on 9/30/2010
Amended by Res. [05-2017](#) on 3/9/2017*