
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: October 31, 2003

SUBJECT: **Repealing and Re-enacting City Code Section 11.04.100
Concealment of Identity or Furnishing False Information**

AFFECTED COUNCIL DISTRICTS: Citywide

STAFF REPORT BY: Gary Mumford

**ADMINISTRATIVE DEPT.
AND CONTACT PERSON:** City Attorney's Office
Wesley Robinson, Senior City Attorney

KEY ELEMENTS:

As a result of a lawsuit against the City, it came to the attention of the City Attorney's Office that City Code Section 11.04.100 pertaining to concealment of identity should be updated to be consistent with state law (UCA 77-7-15). Current City code provides that City officials that are charged with enforcement of city ordinances can demand a person identify him or herself. The current ordinance doesn't include any standards that specify when it would be appropriate for a City official to make this demand.

MATTERS AT ISSUE AND QUESTION FOR THE ADMINISTRATION:

State law provides that a "peace officer may stop any person in a public space when he has a reasonable suspicion to believe he has committed or is in the act of committing or is attempting to commit a public offense and may demand his name, address and an explanation of his actions." The City Attorney's Office desires to bring City code into conformity with state law. The proposed ordinance provides that a peace officer charged with enforcement of city ordinances may stop a person in a public place when the peace officer has a "reasonable suspicion to believe the person has committed or is in the act of committing or is attempting to commit a public offense and may demand the person's name, address and an explanation of his or her actions."

The original intent of the current ordinance may have been to extend the authority to City officials other than police officers when the City official believes that a person is attempting to commit an offense. For example, fire investigators and zoning or parking enforcement officers may be in a position of observing suspicious behavior. At the briefing, Council Members may wish to ask the representative from the City Attorney's Office whether in the future it may be possible for the City to designate certain other City officials as special function officers and meet the state's definition of peace officer.

OPTIONS:

The Council may wish to consider the following options:

1. Adopt the ordinance in a formal Council Meeting.
2. Schedule an executive session to discuss pending litigation.
3. Repeal the ordinance at the next possible opportunity and re-enact a new ordinance after additional consideration or information. The Council may wish to discuss with a representative of the City Attorney's Office whether this option will help resolve the immediate concern.

cc: Rocky Fluhart, LeRoy Hooton, JD Baxter
