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DECISION IN THE DEVINE CASE.

The fire and police commissioners have, after careful consideration and review, finished the compilation of their report to Mayor Baskin of the hearing in the case of Chief Devine. The work was not completed until late hour Saturday, July 6. Chairman Jennings immediately presented a copy of the findings to the Mayor. They are as follows:

OFFICE OF THE BOARD OF POLICE AND FIRE COMMISSIONERS.

SALT LAKE CITY, Utah.

July 6th, 1895.

To the Honorable Mayor of Salt Lake City, Utah.

Sir:—The Board of Police and Fire Commissioners, caused to be served upon James Devine, chief of the fire department of Salt Lake City, a copy of the charges preferred by P. J. Sullivan and others, and a hearing was had thereon, lasting five full days and ending July 3rd, 1895.

Of the charges preferred, the following were stricken out:

Under the first specifications, the charge regarding the holding of secret meetings with leaders of the Republican party and in discussing political matters upon the street and in attending the Republican barbecue at Murray.

Under the first specification there was also stricken out the charge that orders do not go directly to the assistant, chief or his captains, but are transmitted through third parties. Under the second specification there was stricken out the charge that the chief has had two lanterns lighted at night, which have hung on the outside of the steamer at No. 2 house, and under third paragraph "A," with reference to the number of hours off each week, were stricken out. The remainder of the charges were considered in detail and all of the evidence obtainable was considered.

Charge 1. Specification "A." After carefully weighing the evidence we are of the opinion that the following conclusions are warranted, and will take up each charge in its order:

We find that the chief has smoked upon the apparatus floor at times when he would be smoking in his office, and would be called out upon the floor to look after some matter.

Rule 11, page 64 referred to in this charge, is a rule made by the chief for the government of the officers and men, and while, strictly speaking, the chief perhaps is not amenable to this rule himself, being one made by him for the government of the officers and men under him, yet the opinion of the commission is that as long as the men are prohibited from smoking upon the

floor, that the chief should observe the same rule as being much more conducive to good order and discipline.

Charge 1. Specification "B" with reference to taking part in political conventions.

There was no evidence that the chief had been a delegate to any political convention or that he had taken any public part in any political convention, but the evidence discloses that the chief was in attendance upon a political meeting at Provo and was upon the floor of the house talking with different individuals and apparently taking considerable interest in the proceedings. It also appears that the chief is a member of the executive committee of the Republican League clubs of Utah Territory.

The commission are of the opinion that while this activity in politics may not have been carried to an extent to interfere with the efficiency of the fire department, yet the chief is violating the spirit, if not the letter of the law, and we shall in the future insist upon his refraining from attendance upon political conventions, and shall request him to resign his position as member of the executive committee of the Republican League clubs of Utah. In our opinion the chief should not leave the city for the purpose of attending political conventions and his membership of the executive committee of the Republican League clubs must necessarily require of him a participation in party politics which the spirit of the law, at least, forbids.

Charge 1. Specification "2," with reference to entering in uniform any place where spirituous, malt or intoxicating liquors are sold.

The evidence discloses that upon the day of the public exhibition given May 1st, 1895, the chief entered the Oxford saloon with Chief Bradford, of Ogden. All the testimony but the matter of being in uniform was that he was in uniform at that time. This charge was, at the beginning of the hearing, admitted by the chief, but admission was afterwards withdrawn and the prosecution put upon their proof.

We think the evidence shows that the chief did enter the Oxford saloon on the day stated, in uniform, and while rule 17, page 65, under which the charge is brought, is a rule made by the chief for the government of the officers and men under him, we are of the opinion that, as in the case of rule 11, page 64, governing the use of tobacco, the chief ought, in the interest of good discipline, to refrain from entering a saloon except in the performance of his duties, upon an occasion when an under officer or member of the

department would be prohibited from doing so.

Charge 1. Specification "D," charging the chief with failing to return the salutes of the officers and men.

A number of men testified that the chief had failed to return their salutes when they thought he must have seen them; on the other hand, the testimony of the chief was that he had never knowingly failed to return a salute, and that if he had failed to do so it must have been when he was engaged in conversation with some one else and had failed to see the salute of the subordinate except upon one or two occasions when, the chief states, he failed to return the salute in cases where the subordinate saluting had previously failed to salute the chief.

The commission are of the opinion that the failure of the chief to salute under such circumstances is very reprehensible; should the subordinate fail to salute the chief, he ought to be called to order, and if his intentions were to wilfully show disrespect to the chief, the offender should be promptly fined, or reported to the commission, upon a subsequent occasion refusing to answer the salute of such an offender because he had on a former occasion not shown proper respect to the chief is, in the opinion of the commission not the way to punish a member of the force, and we are of the opinion that a salute by a subordinate to the chief should always be returned by him, no matter what the relations are between the chief and such subordinate.

Charge 1. Specification "F" with reference to holding the Bears' check.

The commission finds this charge to be wholly unsubstantiated, and fully endorses all that has been done by the chief with reference to the funds that have come into his hands. His instructions were to hold such funds in his hands until the board should decide to what purpose they should be applied.

The board had had under consideration the establishment of a relief fund, but as yet no determination has been reached in regard to it. The evidence in regard to the Bears' check shows that Mr. Sears brought the check to the office of the chief, the chief and secretary being present and that nothing was said by him at the time in regard to what disposition should be made of the money.

The receiving of the check was reported by the chief to the board and same was deposited in the bank in the name of the chief engineer, with other monies derived from gifts to the department and money derived from fines.