

Effective 5/4/2022

76-2-408 Officer use of force -- Investigations.

(1) As used in this section:

- (a) "Dangerous weapon" means a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to an individual.
- (b) "Deadly force" means a force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.
- (c) "In custody" means in the legal custody of a state prison, county jail, or other correctional facility, including custody that results from:
 - (i) a detention to secure attendance as a witness in a criminal case;
 - (ii) an arrest for or charging with a crime and committing for trial;
 - (iii) committing for contempt, upon civil process, or by other authority of law; or
 - (iv) sentencing to imprisonment on conviction of a crime.
- (d) "Investigating agency" means a law enforcement agency, the county or district attorney's office, or an interagency task force composed of officers from multiple law enforcement agencies.
- (e) "Officer" means an officer described in Section 53-13-102.
- (f) "Officer-involved critical incident" means any of the following:
 - (i) an officer's use of deadly force;
 - (ii) an officer's use of a dangerous weapon against an individual who causes injury to any individual;
 - (iii) death or serious bodily injury to any individual, other than the officer, resulting from an officer's:
 - (A) use of a motor vehicle while the officer is on duty; or
 - (B) use of a government vehicle while the officer is off duty;
 - (iv) the death of an individual who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the individual's death; or
 - (v) the death of or serious bodily injury to an individual not in custody, other than an officer, resulting from an officer's attempt to prevent an individual's escape from custody, to make an arrest, or otherwise to gain physical control of an individual.
- (g) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.

(2) When an officer-involved critical incident occurs:

- (a) upon receiving notice of the officer-involved critical incident, the law enforcement agency having jurisdiction where the incident occurred shall, as soon as practical, notify the county or district attorney having jurisdiction where the incident occurred; and
- (b) the chief executive of the law enforcement agency and the county or district attorney having jurisdiction where the incident occurred shall:
 - (i) jointly designate an investigating agency for the officer-involved critical incident; and
 - (ii) designate which agency is the lead investigative agency if the officer-involved critical incident involves multiple investigations.

(3) The investigating agency under Subsection (2) may not be the law enforcement agency employing the officer who is alleged to have caused or contributed to the officer-involved critical incident.

(4) This section does not preclude the law enforcement agency employing an officer alleged to have caused or contributed to the officer-involved critical incident from conducting an internal administrative investigation.

- (5) Each law enforcement agency that is part of or administered by the state or any of the state's political subdivisions shall adopt and post on the agency's publicly accessible website:
 - (a) the policies and procedures the agency has adopted to select the investigating agency if an officer-involved critical incident occurs in the agency's jurisdiction and one of the agency's officers is alleged to have caused or contributed to the officer-involved incident; and
 - (b) the protocols the agency has adopted to ensure that any investigation of officer-involved incidents occurring in the agency's jurisdiction are conducted professionally, thoroughly, and impartially.
- (6) Once a criminal investigation is turned over from law enforcement, the county or district attorney's findings or analyses into an officer's use of force shall be completed within 180 days of the turnover. If the findings or analyses is not published within 180 days of the turnover, the county or district attorney shall post a public statement on the county or district attorney's website stating a reasonable estimate when the findings or analyses will be complete and the reason for the delay.
- (7) Subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, the county or district attorney's resulting findings or analyses shall be published on the county or district attorney's website within five business days of completion.

Amended by Chapter 130, 2022 General Session

Amended by Chapter 181, 2022 General Session