

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **76-2-408**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **76-2-408** is enacted to read:

35 **76-2-408. Peace officer use of force -- Investigations.**

36 (1) As used in this section:

37 (a) "Dangerous weapon" is a firearm or an object that in the manner of its use or  
38 intended use is capable of causing death or serious bodily injury.

39 (b) "Investigating agency" is a law enforcement agency, the county or district attorney's  
40 office, or an interagency task force composed of officers from multiple law enforcement  
41 agencies.

42 (c) "Officer" is a law enforcement officer as defined in Section **53-13-103**.

43 (d) "Officer involved critical incident" is any of the following:

44 (i) the use of a dangerous weapon by an officer against a person that causes injury to  
45 any person;

46 (ii) a fatal injury to any person except the officer, resulting from the use of a motor  
47 vehicle by an officer;

48 (iii) the death of a person who is in law enforcement custody, but not including deaths  
49 that are the result of disease, natural causes, or conditions that have been medically diagnosed  
50 prior to the person's death; or

51 (iv) a fatal injury to a person resulting from the efforts of an officer attempting to  
52 prevent a person's escape from custody, make an arrest, or otherwise gain physical control of a  
53 person.

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

55 (a) upon receiving notice of the officer involved critical incident, the law enforcement  
56 agency having jurisdiction where the incident occurred shall, as soon as practical, notify the  
57 county or district attorney having jurisdiction where the incident occurred; **H→ [f] and [f] ←H**

58 (b) the chief executive of the law enforcement agency and the county or district

59 attorney having jurisdiction where the incident occurred shall ~~H→~~ :

59a (i) ~~←H~~ jointly designate an investigating  
 60 agency for the officer involved critical incident ~~H→~~ [:] ; and

60a ~~[(c) the investigating agency shall have]~~

60a1 (ii) designate which ~~S→~~ [investigating] ~~←S~~ agency ~~S→~~ [~~has primacy over all other~~  
 60a2 investigations] is the lead investigative agency ~~←S~~ [~~of an~~  
 60b ~~officer involved critical incident]~~ if the officer involved critical incident involves multiple  
 60c investigations . ~~←H~~

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

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

67 (5) Each law enforcement agency that is part of or administered by the state or any of  
 68 its political subdivisions shall, by December 31, 2015, adopt and post on its publicly accessible  
 69 website:

70 (a) the policies and procedures the agency has adopted to select the investigating  
 71 agency if an officer involved critical incident occurs in its jurisdiction and one of its officers is  
 72 alleged to have caused or contributed to the officer involved incident; and

73 (b) the protocols the agency has adopted to ensure that any investigation of officer  
 74 involved incidents occurring in its jurisdiction are conducted professionally, thoroughly, and  
 75 impartially.

**Legislative Review Note**  
 as of 2-16-15 5:03 PM

**Office of Legislative Research and General Counsel**