

**INVESTIGATION PROTOCOLS FOR PEACE OFFICER USE
OF FORCE**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding the investigation of peace officer use of force.

Highlighted Provisions:

This bill:

- ▶ requires the chief executive of a law enforcement agency to work with the district or county attorney to designate an agency to investigate instances of a peace officer use of force;

- ▶ requires that the investigating agency not be the agency where the officer is employed; and

- ▶ requires each law enforcement agency to adopt and post by December 31, 2015:

- the policies and procedures the agency has adopted to select the investigating agency if an officer involved critical incident occurs in its jurisdiction

- the protocols the agency has adopted to ensure that any investigation of officer involved incidents occurring in its jurisdiction are conducted professionally, thoroughly, and impartially.

Money Appropriated in this Bill:

None

Other Special Clauses:



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; $\hat{H} \rightarrow$ [H] **and** [H] $\leftarrow \hat{H}$

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