

LAW ENFORCEMENT TRACKING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill modifies provisions relating to a law enforcement agency's report of a reportable incident.

Highlighted Provisions:

This bill:

- ▶ defines "deployment";
- ▶ amends the definition of terms to include the deployment of an armored vehicle in the definition of "reportable incident";
- ▶ requires the Commission on Criminal and Juvenile Justice to submit certain information reported by law enforcement agencies to the Department of Technology Services for inclusion on the state's open government website; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7-8.5, as enacted by Laws of Utah 2014, Chapter 106



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

29 Section 1. Section 77-7-8.5 is amended to read:

30 **77-7-8.5. Use of tactical groups -- Reporting requirements.**

31 (1) As used in this section:

32 (a) "Deployment" means the use of personnel or a resource by a law enforcement
33 agency, regardless of whether the personnel or resource is:

34 (i) owned, leased, rented, or borrowed by the law enforcement agency; or

35 (ii) used by or provided to the law enforcement agency in response to a request for
36 assistance made by the law enforcement agency.

37 [~~a~~] (b) (i) "Reportable incident" means:

38 (A) the deployment of a tactical group, if a member of the tactical group arrives at the
39 location to which the tactical group is deployed; [or]

40 (B) law enforcement officers who serve a search warrant after using forcible entry[-];
41 or

42 (C) the deployment of an armored vehicle for a law enforcement purpose.

43 (ii) "Reportable incident" does not [~~mean~~] include a forced cell entry at a corrections
44 facility.

45 [~~b~~] (c) "Tactical group" means a special unit, within a law enforcement agency,
46 specifically trained and equipped to respond to critical, high-risk situations.

47 (2) On and after January 1, 2015, every state, county, municipal, or other law
48 enforcement agency shall annually on or before April 30 report to the Commission on Criminal
49 and Juvenile Justice the following information for the previous calendar year:

50 (a) whether the law enforcement agency conducted one or more reportable incidents;

51 (b) the following information regarding each reportable incident:

52 (i) the organizational title of the agency, task force, or tactical group deployed;

53 (ii) the city, county, and zip code of the location where the reportable incident
54 occurred;

55 (iii) the reason for the deployment;

56 (iv) the type of warrant obtained, if any;

57 (v) if a threat assessment was completed;

58 (vi) if a warrant was obtained, the name of the judge or magistrate who authorized the

59 warrant;

60 (vii) the number of arrests made, if any;

61 (viii) if any evidence was seized;

62 (ix) if any property was seized, other than property that was seized as evidence;

63 (x) if a forcible entry was made;

64 (xi) if a firearm was discharged by a law enforcement officer, and, if so, approximately

65 how many shots were fired by each officer;

66 (xii) if a weapon was brandished by a person other than the law enforcement officers;

67 (xiii) if a weapon was used by a person against the law enforcement officers and, if a

68 firearm was used, the number or approximate number of shots fired by the person;

69 (xiv) the identity of any law enforcement agencies that participated or provided

70 resources for the deployment;

71 (xv) if a person or domestic animal was injured or killed by a law enforcement officer;

72 and

73 (xvi) if a law enforcement officer was injured or killed; and

74 (c) the number of arrest warrants served that required a forced entry as provided by

75 Section 77-7-8 and were not served in conjunction with a search warrant that resulted in a

76 reportable incident.

77 (3) If a warrant is served by a multijurisdictional team of law enforcement officers, the

78 reporting requirement in this section shall be the responsibility of the commanding agency or

79 governing authority of the multijurisdictional team.

80 (4) The Commission on Criminal and Juvenile Justice shall develop a standardized

81 format that each law enforcement agency shall use in reporting the data required in Subsection

82 (2).

83 (5) A law enforcement agency shall:

84 (a) compile the data described in Subsection (2) for each year as a report in the format

85 required under Subsection (4); and

86 (b) submit the report to:

87 (i) the Commission on Criminal and Juvenile Justice; and

88 (ii) the local governing body of the jurisdiction served by the law enforcement agency.

89 (6) (a) The Commission on Criminal and Juvenile Justice shall summarize the yearly

90 reports of law enforcement agencies submitted under Subsection (2).

91 (b) Before August 1 of each year, the Commission on Criminal and Juvenile Justice
92 shall submit:

93 (i) a report of the summaries described in Subsection (6)(a) to:

94 [(i)] (A) the attorney general;

95 [(ii)] (B) the speaker of the House of Representatives, for referral to any house standing
96 or interim committees with oversight of law enforcement and criminal justice;

97 [(iii)] (C) the president of the Senate, for referral to any Senate standing or interim
98 committees with oversight of law enforcement and criminal justice; [and]

99 [(iv)] (D) each law enforcement agency[-]; and

100 [~~(e) The report described in Subsection (6)(b) shall be published on the Utah Open
101 Government website, open.utah.gov, before August 15 of each year.~~]

102 (E) the Department of Technology Services; and

103 (ii) the information reported to the commission under Subsection (2) to the Department
104 of Technology Services.

105 (c) Before August 15 of each year, the Department of Technology Services shall
106 publish, on the open government website maintained by the department, the report and
107 information submitted to the department under Subsection (6)(b).

108 (7) (a) If a law enforcement agency fails to comply with the reporting requirements
109 listed in Subsection (2), the Commission on Criminal and Juvenile Justice shall contact the law
110 enforcement agency and request that the agency comply with the required reporting provisions.

111 (b) If a law enforcement agency fails to comply with the reporting requirements listed
112 in Subsection (2) within 30 days after being contacted by the Commission on Criminal and
113 Juvenile Justice with a request to comply, the Commission on Criminal and Juvenile Justice
114 shall report the noncompliance to the attorney general, the speaker of the House of
115 Representatives, and the president of the Senate.