

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Springdale Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths in accordance with the Washington County Critical Incident Task Force Protocol. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy and any agreements with the Washington County Attorney's Office Critical Incident Task Force.

[See attachment: What to Expect.pdf](#)

[See attachment: 4--CITF PROTOCOL.pdf](#)

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Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.2 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Springdale Police Department would control the investigation if the suspect's crime occurred in Springdale.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
- (b) Complete the Public Safety Statement Form for each officer involved. The form is attached to this policy and is in the Critical Incident Task Force name screen in Spillman. [See attachment: Public Safety Statement.pdf](#)

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1. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the supervisor and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved SPD officer should be given an administrative order not to discuss the incident with other involved officers or SPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Lieutenant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police.

All outside inquiries about the incident shall be directed to the Chief of Police.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Washington County Critical Incident Task Force Protocol Supervisor
- Outside agency investigators (if appropriate)
- Internal Affairs Investigator
- Psychological/peer support personnel
- Medical Examiner (if necessary)
- Public Information Officer
- County Attorney (Utah Code 76-2-408)

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved SPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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2. Requests from involved non-SPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved SPD officer. A licensed psychotherapist may also be provided to any other affected SPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved SPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Supervisor to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The Washington County Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death as outlined in the Washington County Critical Incident Task Force Protocol.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) SPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of SPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED SPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved SPD officers may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Chief of Police to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators may be assigned to work with investigators from the County Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Patrol supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Chief of Police.

305.6.4 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS

The Supervisor shall notify the County Attorney as soon as practical if the following critical incidents occur within the jurisdiction of the Springdale Police Department, whether or not an involved law enforcement officer is a department member (Utah Code 76-2-408):

- (a) Use of a firearm that caused an injury by a law enforcement officer or any other use of a weapon by a law enforcement officer in a manner that could have caused death or serious injury (e.g., a blow to the head of a person with a baton).
- (b) A fatal injury to any person that could have been caused by a law enforcement officer or while the person was in the custody of a law enforcement agency.

The Chief of Police or authorized designee and the County Attorney shall jointly designate an agency to criminally investigate the actions of a law enforcement officer involved in a critical incident, as appropriate, and may jointly designate a lead agency if more than one agency will be involved. An agency other than the Springdale Police Department will criminally investigate

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the actions of members who may have caused or contributed to a critical incident (Utah Code 76-2-408).

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation to determine conformance with all department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be

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informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Town Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Springdale Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing

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should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

All media releases related to an officer-involved shooting or death shall be approved by the Chief of Police before being disseminated.

No involved SPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.11.1 DEPARTMENT WEBSITE

This policy shall be published on the department website along with any related written procedures and protocols (Utah Code 76-2-408).

Attachments

What to Expect.pdf

WASHINGTON COUNTY ATTORNEY CRITICAL INCIDENT TASK FORCE



WHAT TO EXPECT IF YOU ARE INVOLVED IN A SHOOTING

1. Call out of The Washington County Critical Incident Protocol Task Force: Following the incident/shooting, the Washington County Attorney's Office will be notified. Your Department Chief/Sheriff will decide whether or not to call out The Washington County Critical Incident Task Force (hereafter CITF). The CITF is managed by the Washington County Attorney's Office and is normally called out when an officer involved shooting (OIS) occurs. If called out, the CITF is responsible to conduct the criminal investigation of the incident. The internal affairs (I.A.) investigation is a separate investigation conducted by your agency. The CITF follows an Investigation Protocol approved by your agency. The CITF members include detectives/officers from several different law enforcement agencies in Washington County.

2. Your physical well-being: Your physical well-being is of utmost importance at the scene of the shooting. Even if you are not physically injured, we recommend that you go to the hospital once you have answered the Public Safety Statement questions or spoken to CITF investigators. We recommend this to ensure that all of your vital signs are within a safe range, to ensure you do not have unnoticed injuries and that you do not have other health problems caused by stress (blood pressure can jump to dangerous levels during an OIS situation and take hours to return to normal). If you do not go to the hospital, we recommend that you have an EMT or other trained medical personnel check your blood pressure.

3. Your weapon: The weapon you fired will be collected by a designated officer from your department, or an appointed CITF investigator. This may be done at the scene or at your police department. If the weapon is your regular duty sidearm, your department should give you a replacement immediately. The CITF will retain your weapon in evidence until the investigation is complete and the County Attorney clears it for release. In the event that your firearm is needed for ballistic testing it may be held in evidence for a significant period of time. Once your weapon is cleared for release by the County Attorney, its ultimate disposition is determined by your agency.

4. Your Duty Leather, Magazines, and Accessories: CITF investigators will collect any of these items if they have evidentiary value. The investigators may collect them at the scene, the hospital or at your police department. The CITF will retain these items in evidence until the County Attorney releases them.

5. Escort from the scene: You will be escorted from the scene, normally by an officer from your own department and taken to a location (usually a hotel) where you can be comfortable and isolated from normal traffic. Other than speaking with your supervisor, it is imperative for your own protection, that you do not discuss the details of the incident with other involved officers, peers, or support personnel until after you have given your official statement.

6. CITF crime scene team: After you have left the incident scene, the CITF crime scene team will continue to process the scene. They will take photographs, shoot video, take measurements, mark and collect evidence, etc.

IMMEDIATELY FOLLOWING THE SHOOTING

1. Spouse/significant other notification: You will have an opportunity to contact your spouse/significant other to let them know you are okay. You can call them, have dispatch notify them by phone, or have an officer go to your home. However, you should not go home prior to meeting with CITF investigators unless approved by the CITF Manager or County Attorney.

2. Peer-support person: You should have a peer-support person or friend of your choice, someone who was not involved in the incident, available to assist you. This person is usually another officer from your agency. This person should not have any duties other than providing you companionship, support and looking out for your needs (food, drink, etc.). Remember that peer-support conversations are NOT legally privileged, so you should not discuss details of the shooting with your peer-support person.

3. Written statement or report: You will NOT write a report or make a written statement. Your official interview and subsequent transcript will be your report. The CITF investigator who interviews you will prepare a thorough report, making it unnecessary for you to write a separate report. Once this report is completed, you will be given the opportunity to review it to ensure complete accuracy.

4. CITF investigators: Following the shooting, you will be introduced to the CITF investigators who will be working with you and conducting your formal interview. Prior to the formal interview, the CITF investigators will ask you for a walk-through of the scene. The walk-through and statement to CITF investigators is voluntary.

At this first meeting with the CITF investigators, they will get your phone number, etc. and start working on a schedule to meet with you for a formal interview. We recommend that you wait at least 24 to 48 hours after the incident before the formal interview. It is important to get some quality sleep prior to the formal interview.

5. Attorney: The decision to retain or meet with an attorney during the investigation is up to you. Keep in mind that your city attorney or the county attorney's office cannot represent you in a criminal case.

6. Photographs: Because your clothing may contain evidence or may have important police identifiers, Protocol Task Force investigators or your supervisor will photograph you (front, back and both sides) in the clothes you wore at the time of the incident. Therefore, it is critical that you do not change out of these clothes prior to being photographed.

7. Clothing: Again, because your clothing may contain evidence, it is possible that Protocol Task Force investigators will need to collect it for evidentiary purposes. If your clothes are contaminated, the CITF will work as quickly as possible to get the photographs, collect your clothing and secure it for the investigation. Arrangements will be made to have a change of clothing brought to your location.

8. Toxicology assessment: The Protocol Task Force may ask you to submit to a toxicology screening. If the Protocol Task Force requests a toxicology assessment, they will ask you to sign to a waiver permitting the collection of blood and or urine. Any toxicology samples collected by the Protocol Task Force will be sent to the Utah State Lab for analysis. A toxicology screening may also be requested by your department for administrative reasons.

THE DAYS FOLLOWING THE SHOOTING

1. Video recording: Upon approval from your Chief/Sheriff and the County Attorney, if there is any video of the incident (i.e.) dash camera footage, you will be offered an opportunity to view the video prior to the formal interview. If your incident was recorded, we encourage you to review the recording prior to the formal interview.

2. Formal interview: Your participation in this interview is optional. However, this interview is a critical part of the investigation and we strongly recommend and ask that you do participate. This CITF goal is to conduct this interview around 48 hours [after] the incident. In this interview, you will be asked to give a chronological detailed statement of the shooting, to the best of your recollection. You will then be asked some follow up/clarification questions to make sure everything was understood correctly. The following includes some of the logistics of this interview:

- # Usually two CITF investigators will conduct this interview. One investigator will be the primary interviewer. The primary interviewer will be a CITF investigator from another agency.
- # You may have an attorney present with you.
- # Your interview will be recorded.
- # It is preferable that the interview is conducted at the County Attorney's Office or CJC, because they have the necessary equipment to record the interview in a non-threatening setting. CITF investigators want to avoid doing interviews in rooms at police departments that are typically used for suspect interviews.

Following this interview, you will most likely be cleared by your administration to discuss the incident with others. If you have any questions about the formal interview process, you may contact the CITF Incident Manager anytime during the investigation.

4. Agency Shooting Review/ Use of Force Board: Your agency may opt to conduct a shooting review independent of the criminal investigation. A Shooting Review or Use of Force Board is a department internal investigation. These reviews usually focus on whether you were in compliance with your agency policy.

THE AFTERMATH OF THE SHOOTING

1. CITF investigation: The CITF investigators conduct a very detailed and thorough investigation. Because of the gravity of this investigation, it takes a considerable amount of time. It is not uncommon for the investigation to take several weeks to complete.

The investigation technically covers two areas. The first is the criminal aspect. The County Attorney is responsible for determining whether the shooting was justified per Utah Code Sections 76-2-401 to 76-2-407. After completing the investigation, CITF investigators submit the investigative findings to the County Attorney. The County Attorney is then charged and authorized per Utah Code Sections 26-4-6 and 26-4-7 to determine whether the subject was injured, or died by unlawful means and if criminal prosecution should be instituted. The County Attorney reviews the investigation, writes a letter stating his findings and sends it to the involved officer(s) and their department head.

The second aspect of the investigation is the civil aspect. It is not uncommon for the suspect or the decedent's family to file a civil claim. Consequently, the CITF conducts an extremely thorough investigation to prepare the case for potential civil litigation.

2. Returning to duty: When you return to work is between you and your agency. Some officers are anxious to get back to work while others need more time.

3. Fitness for Duty/consulting mental health professionals: Some agencies may require their officers to complete a Fitness for Duty psychological exam before returning to work. Some may not; it depends on your agency policy. For questions regarding fitness for duty, you should contact your department administration.

In regard to consulting a mental health professional, do what is best for you. There is no shame in seeking outside help. For some, a single therapy session may be helpful; others may need months or even longer to come to terms with what occurred. Be honest with yourself and get help if you need it. The help you seek should be held in the strictest confidence by your agency.

4. Civil litigation: As stated above, it is possible that you and your agency may be named in a civil lawsuit. Unfortunately, civil litigation can go on for years. It is imperative that you have excellent legal representation. If the shooting is justified and you were in compliance with your department policy, you should be indemnified and your agency should cover the legal costs. A word of caution; please be very careful what you say and do following the incident because it will be scrutinized in the future. Anything you post on a social media website will be available to others to potentially use against you, or your agency.

5. Conclusion: By its very nature, an officer involved shooting is a very life altering event. The CITF will do everything possible to ensure a non-bias, objective and complete investigation into the incident. As events unfold after the incident, you may hear things in the media, friends, neighbors, etc. Please contact the Washington County Attorney's Office if you hear something about your incident/shooting and need clarification. The County Attorney's Office will share as much information as possible with you during the investigation and in many cases clear up confusion, or rumors you may have heard.

You are welcome to contact the Washington County Attorney's Office at any time.

Washington County Attorney's Office
33 North 100 W # 200
St. George, Utah 84770
(435) 634-5723

Washington County Attorney..... Brock Belnap

County Attorney Investigator..... Barry Golding

Senior Deputy Attorney..... Ryan Shaum

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4--CITF PROTOCOL.pdf

WASHINGTON COUNTY CRITICAL INCIDENT TASK FORCE INVESTIGATIVE PROTOCOL



REVISED JUNE, 2019

FORWARD

The Washington County Critical Incident Task Force Investigative Protocol has been adopted to ensure that investigations of officer-involved incidents occurring in Washington County are conducted professionally, thoroughly, and impartially.

The Protocol does not preclude the law enforcement agency employing an officer alleged to have caused or contributed to an officer-involved incident from conducting an internal administrative investigation.

The Protocol cannot anticipate every possible circumstance that might occur during an investigation. Therefore, Protocol procedures may be adapted by mutual agreement of participating agencies in response to particular situations, keeping in mind the goal of impartial independence.

This Protocol is not intended to increase the civil or criminal liability of member agencies or their employees and it shall not be construed as creating any mandatory obligation to, or on behalf of, third parties.



Washington County Critical Incident Task Force Protocol
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CRITICAL INCIDENT TASK FORCE PROTOCOL

1. DEFINITIONS

- A. **Officer-Involved Critical Incident:** An incident defined under Utah Code Annotated section 76-2-408 (1953, as amended) that occurs in Washington County.
- B. **Law Enforcement Employee:**
 - 1. Full-time, part-time and hourly sworn officers; whether on or off duty at the time of the incident;
 - 2. Full-time, non-sworn employees on duty at the time of the incident;
 - 3. Part-time, non-sworn employees on duty at the time of the incident;
 - 4. Reserve law enforcement officers on duty at the time of the incident; and
 - 5. Temporary law enforcement employees and law enforcement agency volunteers, whether paid or unpaid, on duty at the time of the incident (including informants working under direct control and supervision of a peace officer).
- C. **Subject:** Any person involved in an incident who may be criminally culpable or injured.
- D. **Venue Agency:** The agency or agencies, within whose geographical jurisdiction the incident occurs.
- E. **Employer Agency:** The agency that employs the involved law enforcement employee. (In many cases the venue agency will also be the employer agency).
- F. **Participating Agencies:** Law enforcement agencies in Washington County who participate in this Protocol.
- G. **Task Force Command:** Washington County Attorney's Office and designated Task Force supervisors from participating agencies.
- H. **Task Force Manager:** A command level Task Force investigator assigned to manage/supervise a Task Force Investigation.
- I. **Task Force Investigators:** Those investigators assigned to the Critical Incident Task Force by participating law enforcement agencies to conduct the criminal investigation.
- J. **Administrative Investigators:** Those investigators assigned by the employer agency to conduct the administrative investigation of the incident.

2. INVOCATION OF PROTOCOL

In the event of an officer-involved critical incident as defined by UCA 76-2-408, this Protocol is automatically and immediately effective. The venue agency is required to immediately contact the Task Force Manager and affirmatively invoke the Protocol. The Task Force Manager shall immediately notify the Washington County Attorney and have Task Force personnel respond.

3. INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES

- A. In order to recognize and accommodate the various interests and rules of law that are involved in an Incident, investigations may be performed under two separate formats: The Protocol Investigation and the Administrative Investigation.
1. **Protocol Investigation:** The Protocol investigation focuses on the conduct of the law enforcement employee and subject. The Protocol investigation will be performed concurrently with, but independently from the administrative investigation of the law enforcement employee. The Task Force Manager for the Protocol investigation shall be from an agency not involved in the incident. The Protocol investigators shall not participate in the administrative investigation.
 2. **Administrative Investigation of Law Enforcement Employee:** The administrative investigation is conducted by the employer agency and addresses policy and procedural issues of the department. While Protocol investigators do not direct their investigative attention to administrative concerns, it is recognized that their results are of interest to the employer agency for its internal use and those results are fully available for that purpose.
 3. **Venue Determination:** When an Incident occurs in part, in two or more jurisdictions, each of those jurisdictions is a venue agency. If for any reason, the venue agency cannot be determined, the County Attorney or his representative will designate the venue agency.
- B. **Scene security:** Each agency has the responsibility for securing the scene(s) within its jurisdiction until all investigations are complete.
- C. **Crime Scene Processing:** The Protocol investigators will be responsible for documenting the scene, collection, preservation and analysis of physical evidence for the investigation of the subject and the law enforcement employee. The Protocol investigation of the crime scene shall have priority over the administrative investigation of the crime scene. Administrative investigators have access to all evidence and tests collected by Protocol investigators.
- D. **Evidence:** The CITF Manager and Supervisors shall determine where the evidence is stored. Prior to final relinquishment of the scene, the Protocol investigators should provide the administrative investigators an opportunity to assess the need for further evidence processing.

- E. **Notifications:** Upon identifying an “Incident” as defined herein, the venue agency shall make the following notifications as promptly as possible:
 - 1. Critical Incident Task Force Investigation Team
 - 2. The Washington County Attorney’s Office
 - 3. The Utah Medical Examiner’s Office, when a death has occurred.
- F. **Public Safety Statement:** The first supervisor on scene from the venue agency should ask the involved officer(s) Public Safety Questions. The questions shall be asked immediately following the incident to ensure safety to the public and law enforcement personnel on scene. The questions are limited to the question format provided by the County Attorney’s Office. Any further questioning of the involved officer(s) shall be conducted by Protocol investigators and/or venue agency administrative investigators.
- G. **Hospital:** If a person is transported to the hospital, an officer, (preferably from the venue agency), should accompany the person in order to:
 - 1. Locate, preserve, safeguard and maintain the custody chain on physical evidence on/with the subject.
 - 2. Obtain a dying declaration, a spontaneous statement, a contemporaneous statement or a statement of then-existing or previous mental or physical state.
 - 3. Maintain custody if the person has been arrested.
 - 4. Identify witnesses and medical personnel.
 - 5. Be available for contacts with the injured person’s family, if appropriate.
- H. **Law Enforcement Employee Firearm:** If a law enforcement employee still has possession of the weapon used in the Incident, the supervising officer at the scene may take the weapon and secure it. However firearms should not be removed from their holster unless necessary. If the firearm is taken by the supervisor it should be done discretely (e.g., in private). The preferred method for securing a firearm is for the Protocol investigation team to recover it at the appropriate time. Firearms should be replaced as quickly as possible, unless circumstances dictate otherwise.
- I. **Shooting Incident:** In shooting cases, the Protocol Task Force weapons investigator will inspect the firearms of all officers present at the time of the Incident to ensure that all discharged firearms are identified by owner and serial number. The Protocol weapons investigator shall document the condition of the inspected firearms.
- J. **Weapons:** Collected weapons or instruments shall be placed in the evidence storage facility determined by the CITF until all appropriate testing is accomplished. Weapons should not be released from evidence or handled except for Protocol investigative purposes. The handling of weapons by administrative investigators shall be approved by the County Attorney’s Office.
- K. **Weapon Disposition:** Final disposition of weapons/evidence is in accordance with state law and the venue agency policy, after approval from the County Attorney.
- L. **Transporting and Sequestering Involved Officers:**
 - 1. Officers who were present at the time of the officer-involved critical incident involving a dangerous weapon as defined under UCA 76-2-408, whether actors or witnesses, will be relieved of their duties as promptly as possible and shall be transported to a secure location and sequestered. A peer officer may accompany the involved employee; however, they should not discuss the incident. This subsection may also be applied in other circumstances where reasonable.

2. Involved officers shall not discuss the case amongst themselves, fellow officers or others not involved in the investigation, except their legal representatives.
3. Involved officers may contact their spouses or family and notify them of their well-being

4. **CUSTODIAL DEATHS**

- A. A subject who dies while in police or corrections custody falls under the Protocol. If the death was anticipated and the result of a medical condition under care of a physician, it will be considered an attended death and the Protocol Task Force should not respond in accordance with UCA 76-2-408.
- B. If the death occurred at a correctional facility, police agency building, or holding area, the venue agency is the agency having jurisdiction in that area.
- C. If a death of a subject occurs outside a correctional facility, the agency having jurisdiction in the area will act as the venue agency. The employer agency would be the agency that had custody of the subject. Using this scenario, the venue and employer agency could be the same.
- D. Custodial Death Scenes: When an Incident occurs in a correctional facility, a holding facility or other location and other inmates may be witnesses, those inmates should be identified, and if possible, separated, pending interviews by Protocol investigators.

5. **OFFICER INTERVIEWS**

- A. Law Enforcement employees have the same rights and privileges as citizens.
- B. Protocol investigation: Interviews of law enforcement employees involved in a critical incident as defined under UCA 76-2-408 shall be conducted by designated Protocol investigators, unless otherwise agreed upon prior to the interviews.
- C. Officers who are witnesses to a critical incident shall complete a report and make that report available to the CITF. If necessary, a witness officer may be interviewed by CITF Investigators.
- D. If and when the Protocol interview becomes custodial, the Miranda admonition is applicable. However, if the officer has a legal representative present at the interview, the Miranda admonition does not have to be given.
- E. Agency policy and case law permit heads of law enforcement agencies to order their officers to cooperate with criminal investigations being performed by other agencies. Failure to comply with such orders may result in insubordination. When applicable, interviewees may be advised of this provision. However, officers will not be compelled by threats of administrative punitive action (or otherwise) to answer Protocol Task Force questions which could be self-incriminating.
 1. Protocol Interviews will be conducted separately. Interviews will normally be recorded.
 2. Interviewees will be considered as witnesses or victims unless the circumstances dictate otherwise.

6. INTOXICANT TESTING

- A. Law Enforcement employees have the same rights and privileges as citizens regarding intoxicant testing. When Protocol investigators determine that a law enforcement employee's sobriety is relevant to the investigation, they have the following options:
 - 1. Obtain a blood and/or urine sample by consent.
 - 2. Obtain a search warrant for the sample.
- B. Protocol Investigation Test Results: Intoxicant test results obtained by Protocol investigators are available to administrative investigators. The Protocol investigators have the first opportunity to obtain blood and/or urine samples from the law enforcement employee.
- C. In the event Protocol investigators do not obtain blood and/or urine samples for testing, the employer agency may then seek to obtain samples for administrative purposes.
- D. Miscellaneous:
 - 1. Blood is best for alcohol testing, while urine is best for drug screening. Samples of both should be obtained for the most complete results.
 - 2. Samples should be collected promptly after the Incident for most meaningful results.
 - 3. A law enforcement employee may volunteer to provide blood and urine for testing even if Protocol and administrative investigators have not obtained samples. Similarly, a person from whom Protocol or administrative investigators have obtained samples may request that another sample be taken for independent testing. Such a request will be promptly honored; however, the person volunteering this sample is responsible for the expense of the test.

7. AUTOPSY

- A. At least one member of the Protocol Task Force will attend the autopsy. The Medical Examiner performing the autopsy should receive a complete briefing prior to the examination. This briefing will include all relevant information known at that time.
- B. The Protocol investigator shall assume responsibility for documenting and collecting physical evidence following the autopsy.
- C. Although the Medical Examiner has authority to determine who attends an autopsy, it is usually advisable to allow attendance by a recognized professional criminalist retained by representatives of the decedent, if such a request has been expressed before the autopsy has begun.

8. WASHINGTON COUNTY ATTORNEY'S OFFICE

- A. The County Attorney's Office assumes the following role in Protocol investigations:
 - 1. Participate co-equally with the venue and employer agency in the Protocol investigation.
 - 2. Upon completion of the Protocol investigation, analyze the facts of the Incident as well as relevant law to determine if violations of criminal laws exist. If so, prosecute as appropriate.
 - 3. The County Attorney's Office will strive to complete its report and findings within 2 weeks of the completion of the Protocol investigation. However, this cannot be guaranteed, depending on the complexity of the incident.
 - 4. Decide irreconcilable differences between member agencies.

- B. If the Protocol investigation results in criminal charges against a law enforcement employee, the affiant on the information filed by the County Attorney's Office shall be a Protocol investigator assigned by the Task Force Manager. Once criminal charges have been filed, the Protocol investigative team shall be dissolved and any additional follow-up investigation that is needed to prepare the case for trial shall be handled by an investigator assigned by the County Attorney.
- C. Officers assigned to the Protocol Task Force should make themselves available for trial preparation and court purposes.

9. REPORT WRITING

- A. Protocol investigators will decide which investigator is responsible for a particular report. Investigators should not write more than one report on an interview or event, regardless of the number of interviewers involved. Protocol investigators are responsible for the final report of the Task Force investigation. Prior to submitting a law enforcement (employee) interview report, the involved employee should have the opportunity to review the report. All Protocol investigators shall coordinate with the Task Force Manager to write a final report which documents their participation in the investigation.
- B. Prompt completion and distribution of reports is essential. All agencies and investigators will strive for report completion and distribution as soon as possible while ensuring all information is obtained accurately prior to completion.
- C. Administrative Investigation:
 - 1. The employer agency shall control the reports and findings of the administrative investigation.
 - 2. Administrative information regarding the subject of the investigation should not be shared with Protocol investigators. Other information obtained by administrative investigators may be shared with Protocol and criminal investigators only when legally appropriate and after obtaining approval from the employing agency's legal counsel.
 - 3. Protocol investigators will promptly and periodically brief the administrative investigators of the Protocol investigation progress. The administrative investigators will have access to briefings, the scene(s), physical evidence, reports and interviewees' statements.

10. NEWS AND MEDIA RELATIONS

- A. The Protocol Command Team will designate who has the responsibility for making press releases about the Incident and its investigation.
- B. The employer agency should limit its comments to the following areas:
 - 1. The employer-employee relationship.
 - 2. Information that has been cleared for release by the Protocol Task Force and County Attorney's Office.
- C. Media requests for reports should be referred to and disseminated through the County Attorney's Office.

11. **ACCESS TO REPORTS AND EVIDENCE**

- A. Material/Evidence that is created or collected by, or at the request or direction of the Protocol investigators will be made available in a timely manner to those agencies that have an interest in the investigation, including administrative investigators. Material and Evidence provided to administrative investigators should be released from the original case file at the County Attorney's Office.
- B. When the Protocol Task Force and/or County Attorney's Office concludes that the physical evidence collected for the protocol investigation is no longer needed for criminal law purposes, the employer agency and venue agency shall be notified of that decision so it can assume responsibility for preservation or disposal of such evidence as prescribed by law and department policy.
- C. Any GRAMA requests for Protocol Task Force reports should be referred to and disseminated through the County Attorney's Office.

END OF PROTOCOL

Public Safety Statement.pdf



WASHINGTON COUNTY CITF

Incident #: _____

Supervisor: _____

Officer Interviewed: _____

PUBLIC SAFETY STATEMENT

Table with 4 columns: Officer(s) Involved, Agency, On-Duty, In-Uniform. Each cell contains a checkbox for Yes/No.

Event Precipitating the Use of Force

Table with 3 columns: Traffic Stop, Warrant, Domestic Violence, Pursuit, Agency Assist, Other.

Non-Deadly Force Used

Table with 3 columns: Non-Deadly Force Used, Displayed, Deployed. Rows include OC, Impact, Taser, K9, and Other.

Deadly Force Used

Table with 3 columns: Deadly Force Used, Displayed, Deployed. Rows include Handgun, Shotgun, Rifle, and Other.

Officer, we are required by the Washington County Critical Incident Protocol to complete a public safety statement. Due to the immediate need to take action, you do not have the right to wait for legal or FOP representation before answering these limited questions. We are also going to take your photograph to document your appearance at the time of the incident.

- 1. Are you injured?
2. What was the type of force that was used?
3. In what direction did you fire your weapon?
4. If any suspects are at large, what are their descriptions?
5. What was their direction of travel?
6. How long ago did they flee?
7. For what crimes are they wanted?
8. With what weapons are they armed?
9. Does any evidence need to be preserved? Where is it located?
10. Did you observe any witnesses? Where are they?

Officer, in order to preserve the integrity of your statement, I order you not to discuss this incident with anyone, including other supervisors or staff officers. Please await instructions from the Washington County Critical Incident Task Force (CITF) regarding any further statements.