

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

3   2015 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Marc K. Roberts**

6   Senate Sponsor: Deidre M. Henderson

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8                   **LONG TITLE**

9                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:

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

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

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

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

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

25                   **Money Appropriated in this Bill:**

26                   None

27                   **Other Special Clauses:**

28                   None

29                   **Utah Code Sections Affected:**

30 ENACTS:

31 [76-2-408](#), Utah Code Annotated 1953

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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; and

58 (b) the chief executive of the law enforcement agency and the county or district  
59 attorney having jurisdiction where the incident occurred shall:

60 (i) jointly designate an investigating agency for the officer-involved critical incident;  
61 and

62 (ii) designate which agency is the lead investigative agency if the officer-involved  
63 critical incident involves multiple investigations.

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

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

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

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

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