

LAW ENFORCEMENT TRANSPARENCY

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure regarding the reporting of specified information by law enforcement agencies.

Highlighted Provisions:

This bill:

- ▶ requires all state or municipal law enforcement agencies to annually report specific information to the Commission on Criminal and Juvenile Justice;
- ▶ provides that the Commission on Criminal and Juvenile Justice develop a standardized format to receive the reports from law enforcement entities; and
- ▶ requires the Commission on Criminal and Juvenile Justice to provide a summary report before August 15 of each year to the attorney general, the speaker of the House of Representatives, the president of the Senate, and each law enforcement agency.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-7-8.5, Utah Code Annotated 1953



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

30 Section 1. Section 77-7-8.5 is enacted to read:

31 **77-7-8.5. Use of tactical groups -- Reporting requirements.**32 (1) As used in this section:33 ~~→~~ ~~(a)~~ (i) ~~←~~ "Reportable incident" means:34 ~~→~~ ~~(f)~~ (A) ~~←~~ the deployment of a tactical group; or35 ~~→~~ ~~(f)~~ (B) ~~←~~ law enforcement officers who serve a search ~~→~~ ~~or arrest~~ ~~←~~ warrant35a after using forcible36 entry, ~~→~~ ~~as provided by Section 77-7-8~~ ~~←~~ .36a ~~→~~ (ii) **"Reportable incident" does not mean a forced cell entry at a corrections**
36b **facility.** ~~←~~37 (b) "Tactical group" means a special unit, within a law enforcement agency,38 specifically trained and equipped to respond to critical, high-risk situations.39 (2) On and after January 1, 2015, every state, county, municipal, or other law
40 enforcement agency shall annually on or before April 30 report to the Commission on Criminal
41 and Juvenile Justice the following information for the previous calendar year:42 (a) whether the law enforcement agency conducted one or more reportable incidents;43 ~~→~~ ~~and~~ ~~←~~44 (b) the following information regarding each reportable incident:45 (i) ~~→~~ ~~if the officers involved were identified by any~~ ~~the~~ ~~←~~ organizational title ~~→~~ ~~of~~
46 **the agency, task force, or tactical group deployed** ~~←~~ .47 (ii) the city, county, and zip code of the location where the reportable incident
48 occurred;49 (iii) the reason for the deployment;50 (iv) the type of warrant obtained, if any;51 (v) if a threat assessment was completed;52 (vi) if a warrant was obtained, the name of the judge or magistrate who authorized the
53 warrant;54 (vii) the number of arrests made, if any;55 (viii) if any evidence was seized;56 (ix) if any property was seized, other than property that was seized as evidence;57 (x) if a forcible entry was made;58 (xi) if a firearm was discharged by a law enforcement officer, and, if so,59a ~~→~~ **approximately** ~~←~~ how many60 shots were fired by each officer;

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

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

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

62 (xiv) the identity of any law enforcement agencies that ~~§~~→ **[were notified of the deployment**

63 **prior to] participated or provided resources for ~~←~~§ the deployment;**

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

65 and

66 (xvi) if a law enforcement officer was injured or killed ~~§~~→ [;] ; and

66a **(c) the number of arrest warrants served that required a forced entry as provided by**

66b **Subsection 77-7-8 and were not served in conjunction with a search warrant that resulted in a**

66c **reportable incident. ~~←~~§**

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

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

69 governing authority of the multijurisdictional team.

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

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

72 (2).

73 (5) A law enforcement agency shall:

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

75 required under Subsection (4); and

76 (b) submit the report to:

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

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

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

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

81 (b) Before August 1 of each year, the Commission on Criminal and Juvenile Justice

82 shall submit a report of the summaries described in Subsection (6)(a) to:

83 (i) the attorney general;

84 (ii) the speaker of the House of Representatives, for referral to any House standing or

85 interim committees with oversight of law enforcement and criminal justice;

86 (iii) the president of the Senate, for referral to any Senate standing or interim

87 committees with oversight of law enforcement and criminal justice; and

88 (iv) each law enforcement agency.

89 (c) The report described in Subsection (6)(b) shall be published on the Utah Open

90 Government website, open.utah.gov, before August 15 of each year.

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

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

Legislative Review Note
as of 2-12-14 10:45 AM

Office of Legislative Research and General Counsel