

## Officer-Involved Shootings and Deaths

### 305.1 INVESTIGATION RESPONSIBILITY

It is the policy of the Roy City Police Department to follow the protocol adopted by the Weber County Attorney's office and law enforcement agencies in the county in investigating officer involved fatalities and shooting investigations. This will provide guidelines to ensure our officers as well as the citizens are afforded a complete and thorough investigation in all matters relating to this topic.

### 305.2 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.

#### 305.2.1 OFFICER-INVOLVED FATAL INCIDENT(S)

Incidents occurring in Weber County involving two or more people, in which a police agency employee is involved as an Actor, Victim or custodial officer, where a "Fatal Injury" (see § 310.3.6 for definition) occurs. Such "Incidents" include but are not limited to the following:

- (a) Intentional and accidental shootings, including police tactical incidents involving specialized response teams.
- (b) Intentional and accidental use of impact weapons or any other dangerous or deadly weapons.
- (c) Assaults upon police officers; assaults on other police employees who are on duty or are acting for a law enforcement purpose.
- (d) Attempts by police employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
- (e) Physical altercations, mutual combat, and domestic violence in which the police employee is acting in a private citizen capacity.
- (f) Any fatal injury of any person while in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physician's treatment for a disease or other natural condition which has been diagnosed prior to death and which does not involve custodial trauma, custodial suicide or custodial ingestion of toxic substance.
- (g) Any fatal injury to a person who is a passenger of a police officer in a police or other designated vehicle (such as ride-alongs, emergency transports, etc.)
- (h) Vehicular collision, and specifically

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1. Including any vehicle fatality which occurs:
  - (a) After, although not necessarily as a proximate cause of, police gunfire directed at the suspect or the suspect vehicle.
  - (b) In connection with use of vehicle(s) by police as an "enforcement intervention" technique intended to apprehend a suspect. ("Enforcement intervention" includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by contact.)
2. Excluding any vehicle fatality which involves:
  - (a) Off duty non-sworn police employees who are not at the time of the incident acting for an actual, apparent or purported law enforcement purpose;
  - (b) Solo vehicular collisions in which the only injury is suffered by a police employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle;
  - (c) Police pursuits wherein the suspects vehicle which is being pursued by police vehicle(s) collides with another vehicle, a pedestrian or an object, where that collision did not result from collision contact between the suspect vehicle and a police vehicle or from "enforcement intervention"

#### 305.2.2 POLICE EMPLOYEE

This Protocol applies to employees and to certain other people affiliated with the law enforcement agencies which are members of this Protocol Agreement, as follows:

- (a) Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty, and whether acting for a law enforcement or a private purpose at the time of the Incident;
- (b) Full-time or part-time un-sworn employees who are on-duty at the time of the Incident, or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident;
- (c) Reserve police officers who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident;
- (d) Temporary employees and volunteers whether paid or unpaid, who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident. This category includes Informants when they are working under the direct control and supervision of a police officer.

#### 305.2.3 ACTOR

- (a) A person whose act is a "proximate cause" of a fatal injury to another person; or
- (b) A person who intends that his act be a "proximate cause" of serious bodily injury or death to another person who is actually killed by another.

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#### 305.2.4 DECEASED SUBJECT

The person who is injured by the act of the Actor, whether or not intentionally. When used in this Protocol, this word does not imply existence of criminality; it is used simply to designate the person who is physically injured.

#### 305.2.5 PROXIMATE CAUSE

A cause which, in a natural and continuous sequence, produces the fatal injury, without which cause the injury would not have occurred. Reasonable foresee ability of the fatal injury is not a factor relevant to this definition.

#### 305.2.6 FATAL INJURY

Death, or injury which is so severe that death is likely to result.

#### 305.2.7 VENUE AGENCY

The agency, or agencies, within whose geographical jurisdiction the Incident occurs.

#### 305.2.8 EMPLOYER AGENCY

The agency by whom the involved police employee is employed or with which he/she is affiliated. (In many cases the Venue Agency will also be the Employer Agency.)

#### 305.2.9 CRIMINAL INVESTIGATORS

Those investigators who, under this protocol are assigned to complete the criminal investigation of an officer involved fatal incident.

#### 305.2.10 ADMINISTRATIVE INVESTIGATORS

Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the Incident.

#### 305.2.11 MEMBER AGENCIES

The law enforcement agencies in Weber County which are members of this Protocol agreement.

### **305.3 JURISDICTION**

(a) Automatic and Immediate:

1. Upon the occurrence of an Officer-Involved Fatal Incident, this Protocol becomes automatically effective immediately.

(b) Optional:

1. Each Member Agency of this agreement, when in the capacity of a Venue Agency or Employer Agency, may itself invoke this Protocol upon the occurrence of any sensitive or critical event involving a police employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.

(a) Examples:

1. A fatality which is not covered by this Protocol.

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2. An officer-involved incident where the injuries are not fatal.
  3. Any other sensitive or critical event involving a police employee where criminal conduct is a possibility to be investigated.
- (b) The County Attorney has discretion to decline participation in optional invocations.
2. In lieu of invoking this Protocol, the involved agency(cies) may, of course, investigate the matter by itself or may seek aid from other agencies.

### **305.4 THE INVESTIGATION PROCESS**

To properly recognize and accommodate the various interests and the various rules of law which may be involved in any Incident, investigations of these matters must be performed under two separate investigative formats: (1) the Criminal Investigation; and the (2) Administrative Investigation.

### **305.5 CRIMINAL INVESTIGATION**

The County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor'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) RCPD supervisors and Division Commander personnel should not participate directly in any voluntary interview of RCPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (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.

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#### 305.5.1 REPORTS BY INVOLVED ROY PD OFFICERS

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

It is generally recommended that 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 Roy PD 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.

#### 305.5.2 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.
  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.

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#### 305.5.3 INVESTIGATIVE PERSONNEL

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

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

#### 305.5.4 NOTIFICATIONS

Upon identifying an occurrence as an Officer-Involved Fatal Incident, the Venue Agency(cies) shall make the following notifications as promptly as possible to:

- (a) Intra-departmental officers, as required by that Agency's procedures.
- (b) The Employer Agency, if applicable and if not yet aware.
- (c) The Crime Scene Investigative Unit.
- (d) The Medical Examiner's Office, upon confirmation of a fatality. This is a required notification. (Body removal can be delayed as necessary for evidence processing.)

#### 305.5.5 SCENE PROCEDURES

- (a) Emergency life saving measures have the first priority.
- (b) If a person is transported to a hospital with "fatal injuries" (see § 310.3.6 for definition), an officer should accompany that injured person in the same vehicle in order to:
  - 1. Locate, preserve, safeguard and maintain the chain on physical evidence.
  - 2. Obtain a dying declaration, a spontaneous statement, a contemporaneous statement, a statement of then-existing or previous mental or physical state, if at all possible.
  - 3. Maintain custody of the person if he/she has been arrested.
  - 4. Provide information to medical personnel about the Incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
  - 5. Identify relevant people, including witnesses and medical personnel.
  - 6. Be available for contacts with the victim's family, if appropriate.
- (c) The scene(s) must be secured immediately with a perimeter established for each a sufficient distance away to safeguard evidence. In some circumstances an inner and an outer perimeter are appropriate.
  - 1. Access to the scene(s) must be limited to only those officials who must enter for an investigative purpose.

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2. A written log will be established as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
  3. When not needed for life savings efforts, entry by fire and ambulance personnel should be restricted to the absolute minimum necessary to perform the needed duties.
  4. No items shall be moved inside the scene(s) or removed from a scene without approval of the Team and the Crime Scene Investigative Unit unless absolutely necessary for public or officer safety or for preservation of evidence. If removal without approval is necessary, the removal must be witnessed and logged. The log shall state the identity of the person removing the described object, the reason for removal, a witness to the removal, and the time of removal. The item should be photographed prior to removal.
- (d) If any type of weapon or instrument was involved in the fatal incident, the supervisor at the scene will promptly see to the security and/or collection of such items, as follows:
1. If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
  2. If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed in place prior to removal if possible.
  3. If an involved officer still has personal possession of a weapon he/she used in the Incident, the supervising officer at the scene shall promptly but discretely (i.e., in private, out of view of the public and other officers if possible) obtain possession of the weapon. Sidearms must not be removed from their holsters; obtain the entire gunbelt if necessary to avoid removing the weapon from its holster. Sidearms should be replaced by the supervisor as quickly as possible if the officer so wishes, unless reason dictates otherwise.
  4. In shooting cases, the supervising officer will check the firearms of all officers who were present at the time of the Incident to ensure that all discharged firearms are identified and collected, and to specifically document those weapons which were not fired.
  5. The supervising officer collecting any weapon or instrument will make note of its readily visible general description and condition, the appearance and the location of any trace evidence adhering, to the extent these observations can be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer, and the identity of the person or location room which the weapon or instrument was received shall also be recorded.
    - (a) In firearms cases, the supervising officer will also (see above paragraph) make note of whether the firearm is cocked, has its safety "on" or "off", has its hammer back, any apparent jamming of either fired or unfired ammunition; the location and position of the weapon's magazine (e.g. fully or partially inserted, completely separate from the firearm, missing, etc.),

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to the extent possible without removal of the weapon from its holster (see d 1 thru 6 of this subsection).

1. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
  2. If the firearm is cocked (or if a semi-automatic pistol cannot be determined to be cocked or not), the safety may be put "on" by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it may be lowered but note must be made of that fact.
- (b) Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence (d 1 thru 2 of this subsection) and shall otherwise maintain the chain of evidence.
- (c) Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the supervising officer and that officer shall handle them minimally to preserve the exact state of the weapon or instrument when received.
6. The collected weapons or instruments shall be transferred to the Crime Scene Investigative Unit upon their arrival, along with the information required under d 1 thru 6 of this subsection.
  7. If the supervising officer at the scene was himself an Actor or Victim in the Incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved supervisor or the next-in-line uninvolved officer at the scene.
  8. Twelve rounds of the same type(s) of ammunition fired will be collected by the criminal investigators from each shooting officer (or from another appropriate source if the officer has insufficient similar rounds remaining).
  9. Firearms which do not need to be retained in evidence, as determined by the criminal investigators, will be returned to a designated representative of the Employer Agency promptly after the Criminalistics Laboratory has inspected and tested them. The Laboratory appreciates that prompt return of officer's handguns is important, and will return them as soon as possible.
- (e) Any other physical evidence at the scene which is in danger of being contaminated, destroyed or removed must be promptly and effectively observed, recorded and then protected for subsequent collection. Evidence adhering to live participants (such as blood stains), footprints and fingerprints, volatile substances, various types of trace evidence, and firearms discharge evidence, are examples.
- (f) Transporting and Sequestering of Involved Officers:
1. Officers who were present at the scene at the time of the Incident, whether Actors or Witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to their own police station unless other suitable and agreeable



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arrangements are made for them. Officer(s) not involved in the incident shall be assigned to accompany these officers, either in a group or individually. Actors should be driven to the station by an uninvolved officer.

2. If circumstances prohibit removal of all witnessing and involved officers from the scene at once, those officers who were Actors should be relieved first.
  3. An uninvolved officer shall remain with the involved officers, either in a group or individually, until they can be interviewed. The sequestering officers are present to ensure the officers have privacy, that their needs are accommodated, and to ensure the integrity of each officer's later statements to investigators. They should not be present during confidential (privileged) conversations (see § 310.6.7.a.10.b).
  4. Involved officers are not to discuss the case among themselves, with sequestering officers, or with others except their representatives.
  5. While awaiting interviews, involved officers are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.
- (g) Custodial Death scenes:
1. When an Incident occurs in a jail facility or other location where inmates may have witnessed any relevant part of the incident, these inmates should be identified and separated if possible pending interviews by criminal investigators.

#### 305.5.6 SELECTION OF PRIMARY INVESTIGATORS

Selection of the primary investigator(s) by the Team Agencies is of great importance. Generally, the best available investigator(s) should receive the assignment. These qualifications are important.

- (a) Experience in homicide investigations. Investigation experience in other crimes against persons is helpful.
- (b) Ability to effectively interview people of various backgrounds.
- (c) Good working knowledge of physical evidence collection and preservation techniques, and an appreciation of the abilities and limitations of scientific evidence.
- (d) Good knowledge of police operational procedures and the criminal justice system.
- (e) Excellent report writing and communication skills.
- (f) Good organizational and supervisory skills.
- (g) Respected professionally by those with whom he/she works for being competent, thorough, objective, fair, and honest.

#### 305.5.7 INTERVIEWING POLICE EMPLOYEES

- (a) Investigating officers should understand that answers given as part of an Administrative Investigation Interview may be excludable against a police employee (see subsection 310.3.2) as not complying with the constraints of the Garrity decision if criminal responsibility is associated with the police employees conduct.

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1. The police employee must be advised in an interview what his statement is being used for, Administrative or Criminal.
2. Interviewing officer should not be from the employer agency but the employer agency may be present and silent during the interview.
3. Interview must be expressly non-custodial, the officer should be advised that he or she is free to leave, or Miranda warnings given.
4. If and when the interview becomes a custodial interrogation, the Miranda cases are applicable.
5. To insure proof of voluntariness in a non-custodial interview, the Team interviewers may wish to advise certain interviewees of the following:
  - (a) The interviewee is not in custody and is free to leave at any time.
  - (b) The interviewee is not obligated to answer any questions asked by the investigators and no punitive action will be taken against the interviewee if he/she refuses to be interviewed by the Team.
6. However, officers will not be compelled by threats of administrative punitive action (or otherwise) to answer questions of Team interviewers which would be self-incriminating.
7. Interviews will be conducted separately.
8. Interviews will normally be fully tape recorded.
9. The interviewees will be considered as witnesses unless the circumstances dictate otherwise.
10. Police employees have the same rights and privileges regarding Team interviews that any other citizen would have, including the right to consult with a representative prior to interview and the right to have the representative present during the interview.
  - (a) The representative should be allowed to consult about the facts of the incident privately with only one police employee at a time.
  - (b) If the representative is not a doctor, lawyer, psychotherapist or priest, or an agent of such professional, the contents of private conversations between the representative and his/her police employee "client" are not privileged.
11. If a grant of immunity is desired by interviewing officers, the County Attorney or his representative must be contacted for assistance.

#### 305.5.8 INTOXICANT TESTING

- (a) Criminal Investigation Police employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When Team investigators determine that a police employee's state of sobriety is relevant to the investigation, they have these options:
  1. Obtain the blood and/or urine sample by valid consent.

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2. Obtain the blood and/or urine sample incidental to valid arrest.
  3. Obtain a search warrant.
  4. If an arrestee refuses to comply with the request for a sample, attempts will be made to obtain the sample in accordance with case law.
- (b) Administrative Investigation
1. Intoxicant test results obtained by Team investigators are available to the Administrative Investigators.
  2. In the event the Team does not obtain samples for intoxicant testing, the Employer Agency may then seek to obtain samples. However, the Team investigators have the first opportunity.
    - (a) Authority for the Employer Agency to obtain samples includes (1) valid consent, and (2) ordering the employee to provide the samples based on the employment relationship.
    - (b) Some departments have blanket orders regarding employee intoxicant testing while other departments make decisions on a case-by-case basis.
    - (c) Miscellaneous
  3. Blood is the best fluid for alcohol testing, while urine is best for drug screening. Optimally, samples of both should be obtained for the most complete results.
  4. Samples should be collected promptly after the Incident for most meaningful results.
  5. A police employee may volunteer to provide sample(s) for intoxicant testing event if Team and Administrative Investigators haven't obtained samples. Similarly, a person from whom Team or Administrative Investigators have obtained samples may request that another sample be taken for independent testing. The taking of this sample and subsequent testing will not be at the expense of the Team or Employer. Such a request will be promptly honored.

#### 305.5.9 AUTOPSY

- (a) At least one member of the Team members will attend the autopsy, as will a member from the Crime Scene Investigative Unit. Investigators representing other agencies may also attend.
- (b) The autopsy pathologist will receive a complete briefing prior to the post mortem examination. This briefing, which includes all information known to that time which may be relevant to the cause, manner and means of death shall be attended by at least one member of the Team, and a member of the Crime Scene Investigative Unit.

#### 305.5.10 THE WEBER COUNTY ATTORNEY'S OFFICE

- (a) The Weber County Attorney's Office has the following roles in Incident Investigations:
  1. The County Attorney's Investigator will participate as the lead investigator of the Team performing the criminal investigation.

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2. An attorney will assist and advise the Team on various criminal law issues which may arise, such as Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, and legal defenses.
  3. Upon completion of the Criminal Investigation, analyze the facts of the Incident as well as the relevant law to determine if criminal laws were broken. If so, prosecute as appropriate.
- (b) The County Attorney has its own separate investigative authority. When deemed appropriate by the County Attorney (or his designated alternate in his absence), the County Attorney's Office may perform an independent investigation separate from the Team.

#### 305.5.11 REPORT WRITING

- (a) All criminal investigators will write reports documenting their participation in the investigation.
- (b) The investigators within the Team will allocate and divide among themselves the responsibility for documenting interviews and observations.
- (c) The lead Venue Agency has the ultimate responsibility for report writing and for collecting reports from other agencies.
- (d) Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within thirty (30) days after the Incident.

#### 305.5.12 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS

The Shift Sergeant shall notify the County Prosecutor as soon as practical if the following critical incidents occur within the jurisdiction of the Roy City 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 Prosecutor 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 Roy City Police Department will criminally investigate the actions of members who may have caused or contributed to a critical incident (Utah Code 76-2-408).

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### **305.6 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 Division Commander 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 informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - 5. The Division Commander shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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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.

#### **305.7 NEWS MEDIA RELATIONS**

- (a) The interests of the public's right to know what occurred must be balanced with the requirements of the investigation and with the rights of involved individuals.
- (b) As in all other cases, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.
- (c) Agencies and individuals who are not well informed and not intimately involved with the investigation's results and progress should not make statements to the press.
- (d) While any agency cannot be prohibited from making statements to the news media about an Incident, these guidelines are established:
  1. The lead Venue Agency has the responsibility for making press releases about the Incident and its investigation for the first 48 hours.
    - (a) Officers in close contact with the Team are in the best position to comment about the facts of the case and the progress of the investigation.
  2. The Employer Agency: If the Employer Agency is not also the Venue Agency, fewer problems will arise, especially at the early stages of the investigation, if the Employer Agency limits its comments to the following areas:
    - (a) The employer-employee relationship
    - (b) Factual material revealed by the Employer Agency's own Administrative Investigation of the Incident.
    - (c) Information which has been cleared for release by the Team.
  3. The Criminalistics Laboratory: Information released will usually be confined to general laboratory procedures, scientific facts and principles, and testing procedures. Specific results of searching, testing and analysis will generally not be released without clearance from an investigator from the Team.
  4. The Medical Examiner's Office: Release of information will generally be limited to the following:
    - (a) Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.
    - (b) The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).

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- (c) The general nature of further medical testing or medical investigation to be done.
  - (d) Information obtained by Medical Examiner investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Incident Investigators or from the involved agencies will not be released by the Medical Examiner's Office without prior clearance from those agencies.
  - (e) The role of the Medical Examiner's Office in the investigation of death, in general terms.
- (e) If Team Investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.
- (f) Interruptions to the investigators will be minimized if the agencies assign particular individuals to be the sole designated contacts with the news media.

#### **305.8 ACCESS TO REPORTS AND EVIDENCE**

- (a) Material (as defined in below paragraph B + below) which is created or collected by, or at the request or direction of, Team Criminal Investigators (including the Crime Scene Unit) will be made available in a timely manner to those agencies which have an interest in the investigation, including the Administrative Investigators.
- (b) The material will include:
  - 1. Reports, written and collected.
  - 2. Access to physical evidence.
  - 3. Photograph, diagrams and video tapes.
  - 4. Audio tape recordings.
- (c) When the Team and/or County Attorney's Office concludes that the physical evidence collected by the Criminal Investigators is no longer needed for criminal law purposes, the Employer Agency shall be notified of that decision so it can assume responsibility for preservation of such evidence if it desires.

#### **305.9 DEBRIEFING**

Following an officer-involved shooting or death, the Roy City 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.