

Officer-Involved Shootings and Deaths

310.1 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 a deputy.

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

310.2 INVESTIGATION RESPONSIBILITY

This Sheriff's Office conforms to the Weber County Attorney's Office Officer-Involved Shooting Protocol for investigating officer-involved shootings or other In-Custody Death cases.

See attachment: [OFFICER INVOLVE CRITICAL INCIDENT PROTOCOL 2015.rtf](#)

310.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation, conducted in accordance with the Weber County Attorney's Office Officer-Involved Shooting Protocol.
- (b) A civil investigation to determine potential liability, conducted by the involved officer's agency.
- (c) An administrative investigation, conducted by the involved officer's agency to determine if there were any violations of agency policy.

310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. 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.

310.4.1 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 Weber County Sheriff's Office would control the investigation if the suspect's crime occurred in Weber County Sheriff's Office area of jurisdiction.

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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 Sheriff and with concurrence from the other agency.

310.4.2 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.

310.4.3 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

310.5 INVESTIGATION PROCESS

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

310.5.1 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s). In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from this office to immediately provide public safety information necessary to secure the scene and pursue suspects. Public safety information shall be limited to such things as: outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, and similar information.
- (d) Absent a voluntary statement from any deputy(s), the initial on-scene supervisor should not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (f) Determine if the Weber County Attorney's Office Officer-Involved Protocol should be invoked. If so, the supervisor should request dispatch to contact the Protocol Team Leader.

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- (g) Take command of and secure the incident scene until relieved by the Weber County Attorney's Office Officer-Involved Protocol Team Leader or other superior officer requesting to take command.
- (h) All further action will be determined by the Weber County Attorney's Office Officer Involved Protocol Team Leader.

310.5.2 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Precinct Lieutenant (if available) shall be responsible for coordinating all aspects of the incident unless relieved for cause by the Sheriff or a Chief Deputy.

310.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Sheriff and Chief Deputy
- Investigation Bureau Commander
- Internal Affairs Unit supervisor
- Civil Liability Response Team
- Psychological/Peer support personnel
- Deputy representative (if requested)

All outside inquiries about the incident shall be directed to the Incident Commander.

310.5.4 MEDIA RELATIONS

A single Public Information Officer will be assigned by the Weber County Attorney's Office Officer Involved Protocol Team (WCOIPT) Leader in conjunction with the Chief or Sheriff of the agency of jurisdiction. The chosen Public Information Officer will complete a single statement with input and concurrence from the WCOIPT Leader and agency of jurisdiction representative. This release will be available to the Sheriff, Chief Deputy, Precinct Lieutenant, Investigation Bureau Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Sheriff's Office to not release the identities of involved deputies absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media and no involved deputy shall make any comments to the press unless authorized by the Sheriff or Chief Deputy.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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310.5.5 INVOLVED OFFICERS

All involved officers will be subject to the conditions and process of the Weber County Attorney's Officer Involved Protocol. All items listed below may be considered in accordance with the protocol.

Any request for Sheriff's Office or legal representation will be accommodated.

- (a) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (b) Discussions with Sheriff's Office representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (c) A psychotherapist shall be provided by the Sheriff's Office to each involved deputy, or any other deputy upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies 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.
- (d) Although the Sheriff's Office will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

Care should be taken to preserve the integrity of any physical evidence present on the deputy, equipment, or clothing (e.g., blood, fingerprints) until investigators or lab personnel can properly retrieve it.

Investigators shall make reasonable accommodations to meet the deputy's physical and emotional needs.

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the deputy's supervisor to make schedule adjustments to accommodate such leave.

310.6 CRIMINAL INVESTIGATION

The 's [District/County Attorney] Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this office may be assigned to partner with investigators from outside agencies or the [District/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:

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- (a) WCSO supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of WCSO deputies. 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 deputies 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.

310.6.1 REPORTS BY INVOLVED WCSO DEPUTIES

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

While the involved WCSO deputies 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 WCSO deputy 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.

310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of the Sheriff's Office to utilize the Weber County Attorney's Officer Involved Protocol Team to conduct a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

310.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Bureau supervisor to assign appropriate investigative personnel to

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handle the investigation of related crimes. Sheriff's Office investigators will be assigned to work with investigators from the [District/County Attorney]'s Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the [District/County Attorney]'s Office.

All related sheriff's office reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

310.6.4 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS

The Watch Commander shall notify the [District/County Attorney] as soon as practical if the following critical incidents occur within the jurisdiction of the Weber County Sheriff's Office, 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 Sheriff or authorized designee and the [District/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 Weber County Sheriff's Office will criminally investigate the actions of members who may have caused or contributed to a critical incident (Utah Code 76-2-408).

310.7 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 Sheriff's Office policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to Sheriff's Office policies and applicable laws.

- (a) Any deputy 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 deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy 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 deputy.

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1. If a further interview of the deputy 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 deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy has elected to not 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 deputy's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the deputy 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 deputy's statement, involved deputies 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 deputy may also record the interview.
 4. The deputy shall be informed of the nature of the investigation. If a deputy 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 deputy shall be 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 Sheriff's Office 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.

310.8 AUDIO AND VIDEO RECORDINGS

Any deputy involved in an incident may be permitted to review available Mobile Audio Video (MAV) 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

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review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV 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 County Attorney's Office as appropriate.

310.9 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Bureau Commander and Public Information Officer in the event of inquiries from the media.

No involved WCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Bureau Commander.

Sheriff Office 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.

310.10 DEBRIEFING

Following an officer-involved shooting or death, the Weber County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

310.10.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Bureau Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Office directly involved in the incident, which can include support personnel (e.g., [dispatcher], other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Office, including supervisory and Internal Affairs Unit personnel.

Attachments

**OFFICER INVOLVE CRITICAL
INCIDENT PROTOCOL 2015.rtf**