

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Deputy Involved in Death/Serious Injury Events		CHAPTER/SECTION NO.: 1.37, 1.38,1.39,1.40	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: 1.3.8			

1.37 Policy

- 1.37.1 A Deputy's involvement in an incident involving death or serious injury can be a traumatic event which necessitates special consideration on the part of the Sheriff's Office and its personnel. The Sheriff's Office will assist the involved Deputy to understand and cope with the normal reactions to such involvement and to continue to function competently and professionally.
- 1.37.2 The involvement of a deputy in an incident involving a death or serious injury poses special investigative and operational challenges on the Sheriff's Office. The Office must perform its normal law enforcement functions with professionalism, competence while at the same time being sensitive to the rights and needs of the involved deputy.
- 1.37.3 For the purpose of this chapter, Death or Serious Injury is defined as any injury that is a causative factor in the death of any participant in the incident; or temporary or permanent disability to any participant; or results in the admittance to a hospital for necessary medical treatment.

1.38 Purpose

- 1.38.1 The Sheriff's Office should provide a comprehensive response to incidents involving a Deputy in a death or serious injury which

recognizes both the legal and societal needs of the Deputy and the Deputy's immediate family, as well as the Sheriff's Office obligation to provide thorough, competent and professional law enforcement services to the community.

1.39 Procedure

1.39.1 The following procedure will apply for incidents involving death or serious injury:

- A. The on-duty supervisor will be notified as soon as practical following any death or serious injury incident.
- B. The on-duty supervisor will obtain available information concerning the incident and notify the on-call captain or lieutenant who will notify the Chief Deputy, the Sheriff, the County Attorney, and others as appropriate.
- C. A Deputy involved in a death or serious injury incident resulting from use of force by that Deputy, shall be relieved from line-duty assignment and placed on administrative leave with pay pending administrative review. This action does not imply or suggest that the involved Deputy acted improperly. Administrative leave is in the interest of the Deputy and the Sheriff's Office, and shall not be waived.
 - 1. A deputy whose actions result in a death or serious injury shall be relieved from duty pending administrative review.
 - 2. Deputies who have been relieved from duty, due to their involvement in a deadly force situation, shall make themselves available to investigators and will be subject to recall at any time.
- D. The involved Deputy, and other members if appropriate, will meet for debriefing and counseling with the Sheriff's Office

designated psychologist/psychiatrist, Sheriff's Office chaplain, or a critical incident debriefing team experienced in assisting law enforcement personnel and their families to recognize and cope with the natural responses to a death/serious injury incident. Members, in addition to these Office requirements, may also consult, at their own expense, with private medical and mental health professionals.

- E. The debriefing meeting should take place as soon as possible following the incident, and must occur no later than 24 hours after the incident unless the Deputy's medical condition precludes a meeting within that period of time. All conversations between the Deputy and debriefing chaplain or psychologist/psychiatrist are considered confidential and subject to the doctor/patient privilege.

1.40 Policy

1.40.1 Legal Counsel for Involved Deputy

- A. Any Deputy involved in a death/serious injury incident shall be deemed to have the right to seek legal counsel prior to providing any statement, verbal or written, regarding the incident in any **criminal investigation focusing on the deputy as a suspect**.
- B. In a **criminal investigation** focusing on the deputy as a suspect the Deputy shall be afforded the opportunity to confer with legal counsel. Unless the Deputy voluntarily waives the right to legal counsel or until the Deputy has conferred with legal counsel, the involved Deputy will not be questioned concerning the death/serious injury incident by any Sheriff's Office personnel.
 - 1. **If the Deputy refuses to be interviewed within a reasonable time an Administrative Internal Affairs Investigation may be conducted. A**

specific time will be set by the Sheriff or his/her designee requiring the deputy's attendance to give a complete, accurate and truthful statement per the U.S. Supreme Court Garrity decision and Office policies on Internal Affairs Investigations, Chapter 38. Information gained from the deputy's post Garrity statements may not be used against the deputy in the criminal proceeding but may be used to determine administrative actions.

- C. An involved Deputy's exercise of the right to seek legal counsel in connection to a **criminal investigation** prior to making any statement shall not be deemed to violate any Sheriff's Office policy, procedure, rule, or regulation. **The exercise of this right shall not impede the convening or progress of any internal investigation as specified in 1.40.1(B)1.**

1.40.2 Return to Duty

- A. In determining the appropriate administrative action to take in terminating the Deputy's administrative leave and returning the Deputy to regular duty, the Sheriff may seek and consider the professional opinion of any psychological counselor and/or treating physician as to:
 - 1. Whether the Deputy should be expected to report to full duty in his/her regular assignment or whether the Deputy needs additional recuperative time and, if so, how much additional time is recommended.
 - 2. Whether any modification of the Deputy's regularly assigned duties should be considered by the Sheriff's Office in order to facilitate the Deputy's return to full productivity and, if so, the nature and duration of the recommended modifications.

3. Whether the Deputy should, for the duration of any extended leave, disability or modified duty, continue to be armed.

1.40.3 Consultation with Sheriff's Office Legal Advisor

- A. A Sheriff's Office legal advisor will be available to provide information to the Deputy and the Deputy's family within applicable ethical rules, regarding various legal actions which may arise in connection with the death/serious injury incident. The legal advisor will assist the Deputy and the Deputy's family in determining when to retain private legal counsel, outline what the Deputy's rights to legal counsel are and provide other legal assistance as possible; within the limitation that the legal advisor, as an attorney employed by the County, represents the Sheriff's Office and cannot ethically represent the Deputy or the Deputy's family.

1.40.4 Interface with Other County Departments

- A. The Bureau Commander of the affected deputy will see that all damaged or destroyed Sheriff's Office issued equipment or clothing is expeditiously replaced or repaired. The Bureau Commander will assist the Deputy in responding to inquiries from the County Human Resource Department or Finance Office related to administrative leave and other personnel adjustments necessitated by the death/serious injury incident.

1.40.5 Death or Serious Injury to the Deputy

- A. In the event of death or serious injury to a deputy, his/her family shall be notified as soon as possible. If no other instructions are on file with the communications center, notification shall be made in person by the deputy's immediate supervisor, bureau commander, or other person(s) deemed most appropriate and a Sheriff's Office chaplain,

if available. No telephone notifications will be allowed, except under extraordinary circumstances.

1. The appropriate bureau commander and the deputy's immediate supervisor shall advise the deputy's family of appropriate professional assistance available and any benefits available from Weber County and other governmental entities.

- B. The Sheriff may grant administrative leave to a Sheriff's Office employee for the purpose of assisting the involved Deputy's family, for such length of time as deemed appropriate and necessary.

1.40.6 Investigations

- A. A death/serious injury incident will be thoroughly and comprehensively investigated for the purposes of determining whether the deputy's actions were justified and within both Sheriff's Office policy and applicable law.

- B. The protocol established by the Weber County Attorney's office will be followed during the investigation.