Pursuant to UCA §§ 76-2-401 through 408, the Grand County Attorney's Office, Grand County Sheriff's Office, and Moab Police Department have adopted this Officer Involved Critical Incident Protocol to ensure that investigations of officer-involved incidents occurring in Grand County are conducted professionally, thoroughly, and impartially.

The Task Force Investigation does not preclude the law enforcement agency employing an officer alleged to have caused or contributed to an officer-involved incident from conducting an internal administrative investigation.

The Task Force Investigation cannot anticipate every possible circumstance that might occur during an investigation. Therefore, Task Force Investigation procedures may be adapted by mutual agreement of participating agencies in response to particular situations, keeping in mind the goal of impartial independence.

This Protocol is not intended to increase the civil or criminal liability of member agencies or their employees and it shall not be construed as creating any mandatory obligation to, or on behalf of, third parties.
OFFICER INVOLVED CRITICAL INCIDENT PROTOCOL

1. DEFINITIONS

A. **Administrative Investigation:** An internal investigation that is conducted by the Employer Agency and addresses policy and procedural issues of the department. While Task Force Investigators do not direct their investigative attention to administrative concerns, it is recognized that their results are of interest to the Employer Agency for its internal use and those results are fully available for that purpose.

B. **Administrative Investigators:** Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the incident.

C. **County Attorney:** The Grand County Attorney or their designee, who shall be a licensed Utah attorney.

D. **Employer Agency:** The agency that employs the involved Law Enforcement Employee. Employer Agency and Venue Agency may be used interchangeably throughout this Agreement, as applicable.

E. **Incident:** An Officer-Involved Critical Incident or Officer-Involved Incident, as defined herein.

F. **Investigating Agency:** An independent law enforcement agency jointly designated by the chief executive officer of the Venue Agency and the County Attorney to investigate an Incident under this Protocol, which agency shall not be a Participating Agency or a law enforcement agency located in a county adjacent to Grand County. The County Attorney and Participating Agencies hereby designate the State Bureau of Investigation as the primary investigative agency and Utah County as the secondary/conflict investigative agency hereunder. All evidence collected as a result of an Incident shall be handled and processed by the Utah Crime Lab, to the extent possible.

G. **Involved Officers:** Officers who were present at the time of an Incident involving a dangerous weapon as defined under UCA §76-2-408, whether actors or witnesses.

H. **Law Enforcement Employee:**
   1. Full-time, part-time and hourly sworn officers, whether on or off duty at the time of the incident;
   2. Full-time, non-sworn employees on duty at the time of the incident;
   3. Part-time, non-sworn employees on duty at the time of the incident;
   4. Reserve law enforcement officers on duty at the time of the incident; and
   5. Temporary law enforcement employees and law enforcement agency volunteers, whether paid or unpaid, on duty at the time of the incident (including informants working under direct control and supervision of a peace officer).

I. **Officer-Involved Critical Incident:** An incident defined under Utah Code Annotated (UCA) § 76-2-408 that occurs in Grand County.

J. **Officer-Involved Incident:** An incident that occurs when a law enforcement employee is alleged to have engaged in criminal misconduct in Grand County.

K. **Participating Agencies:** Law enforcement agencies in Grand County who participate in this Protocol, including the Grand County Sheriff's Office and the Moab Police Department, which may also be an Employer Agency or Venue Agency.

L. **Protocol:** This Officer Involved Critical Incident Protocol.
M. **Subject:** Any person involved in an incident who may be criminally culpable or injured.

N. **Task Force Command:** The Grand County Attorney and designated Task Force Manager.

O. **Task Force Investigation:** The investigation triggered by an incident hereunder which focuses on the conduct of the Law Enforcement Employee and Subject. The Task Force Investigation shall be performed concurrently with, but independently from any Administrative Investigation of the Employer Agency. The Task Force Manager for the Task Force Investigation shall be from an agency not involved in the incident.

P. **Task Force Investigators:** Those investigators assigned to the Task Force Team by the Investigating Agency.

Q. **Task Force Manager:** A command level Task Force Investigator assigned to manage/supervise a Task Force Investigation by the Investigating Agency.

R. **Task Force Team:** The investigative team comprised of the Task Force Investigators, Task Force Manager, and Task Force Command compiled to investigate an Incident hereunder.

S. **Venue Agency:** The agency or agencies, within whose geographical jurisdiction the incident occurs. When an incident occurs in two or more jurisdictions (even in part), each of those jurisdictions is a Venue Agency. If for any reason, the Venue Agency cannot be determined, the Grand County Attorney or their representative shall designate the venue agency.

2. **INVOCATION OF PROTOCOL**

   A. **Automatic and Immediate.** In the event of an Officer-Involved Critical Incident as defined by UCA § 76-2-408, this Protocol is automatically and immediately effective. The Venue Agency is required to immediately contact the County Attorney to request response hereunder.

   B. **Optional.** Any Participating Agency may request activation of this Protocol upon the occurrence of any Officer-Involved Incident involving a Law Enforcement Employee. The County Attorney will consider the circumstances of the incident when determining whether or not to invoke the Protocol. Upon this optional invocation, the matter will be investigated under the provisions of this Protocol.

3. **PARTICIPATING AGENCIES**

   A. As soon as practical after receiving notice of an Officer Involved Incident, the Venue Agency shall:

      1. Secure the scene(s) within its jurisdiction until all investigations are complete;
      2. Accompany any person who is transported to the hospital in order to:
         i. Locate, preserve, safeguard and maintain the custody chain on physical evidence on/with the subject;
         ii. Obtain a dying declaration, a spontaneous statement, a contemporaneous statement or a statement of then-existing or previous mental or physical state;
         iii. Maintain custody if the person has been arrested;
iv. Identify witnesses and medical personnel; and 
v. Be available for contacts with the injured person’s family, if appropriate;

3. Notify the County Attorney in the event of an Officer Involved Critical Incident; and 
4. Discharge those additional duties and obligations pursuant to UCA §§ 76-2-401 through 408 and this Protocol.

B. As soon as practical after receiving notice of an Officer Involved Incident, the Employing Agency shall:
1. Take and secure any firearm(s) in the possession of a Law Enforcement Employee: i) if deemed necessary by a Supervising Officer from the Employing Agency in the event of an Officer Involved Incident; or ii) for the purposes of identification, inspection, and documentation by a Task Force Investigation in the event of an Officer Involved Critical Incident;
4. Facilitate the transportation and sequestering of Involved Officers as promptly as possible in a secure location; notify Involved Officers that they shall not discuss the case amongst themselves, fellow officers or others not involved in the investigation, except their legal representatives; and permit Involved Officers to contact their spouses or family and notify them of their well-being;
5. Notify the County Attorney in the event of an Officer Involved Critical Incident; and 
6. Discharge those additional duties and obligations pursuant to UCA §§ 76-2-401 through 408 and this Protocol.

C. Nothing in this Section 2 shall prohibit a Participating Agency from requesting invocation of this Protocol in the event of an Officer Involved Incident under Section 1.B.

4. GRAND COUNTY ATTORNEY’S OFFICE

A. As soon as practical after notification of an Officer Involved Critical Incident or other request for invocation of this Protocol, the County Attorney shall:
1. Together with the chief administrative officer of the Venue Agency, designate the Investigating Agency;
2. Participate in the Task Force Command as required hereunder;
3. At the conclusion of the Task Force Investigation:
   i. Independently review the results of the Task Force Investigation and make a written determination of whether the action of the Law Enforcement Officer was “justified” under Utah law pursuant to UCA §§ 76-2-401 and 404, or whether violations of Utah law occurred, which determination shall be made within two (2) weeks of the completion of the Task Force Investigation unless the complexity of the incident requires additional time;
   ii. Close the Task Force Investigation file if the County Attorney determines the Involved Officer was justified in the use of deadly force;
iii. Prosecute criminal charges if the County Attorney determines violations of Utah law have occurred, in which event, the affiant on information filed by the County Attorney's shall be a Task Force Investigator assigned by the Task Force manager. Once criminal charges have been filed, any follow up and further investigative work shall be performed by and be the responsibility of the County Attorney's Office and agencies designated to assist; and

4. Make necessary press releases about the Incident and the Task Force Investigation;
5. Respond to requests for records under GRAMA or otherwise; and
7. Discharge those additional duties and obligations pursuant to UCA §§ 76-2-401 through 408 and this Protocol.

5. INVESTIGATING AGENCY AND TASK FORCE TEAM

A. As soon as practical after designation as the Investigating Agency, the chief administrative officer of the Investigating Agency shall compile the Task Force Team to:

1. Investigate the Incident according to law and department policy and this Protocol as follows:

i. Intoxicant Testing:
   a. Law Enforcement Employees have the same rights and privileges as citizens regarding intoxicant testing. When Task Force Investigators determine that a Law Enforcement Employee's sobriety is relevant to the Task Force Investigation, they may obtain a blood and/or urine sample by consent or obtain a search warrant for the sample.
   b. Intoxicant test results obtained by Task Force Investigators shall be available to Administrative Investigators since the Task Force Investigators have the first opportunity to obtain blood and/or urine samples from the Law Enforcement Employee.
   c. In the event Task Force Investigators do not obtain blood and/or urine samples for testing, the Employer Agency may then seek to obtain samples for its Administrative Investigation.
   d. Miscellaneous:
      1. Blood is best for alcohol testing, while urine is best for drug screening. Samples of both should be obtained for the most complete results;
      2. Samples should be collected promptly after the Incident for most meaningful results;
      3. A Law Enforcement Employee may volunteer to provide blood and urine for testing even if Task Force Investigators and Administrative Investigators have not requested samples. Similarly, a person from whom Task Force Investigators or Administrative Investigators have obtained samples may request that another sample be taken for independent testing. Such a request shall be promptly honored; however, the person volunteering this sample is responsible for the expense of the test.
ii. Autopsy:
   a. At least one Task Force Investigator shall attend each autopsy performed under this Protocol, who shall provide the Medical Examiner performing the autopsy with a complete briefing prior to the examination. This briefing will include all relevant information known at that time.
   b. The Task Force Investigator shall assume responsibility for documenting and collecting physical evidence following the autopsy.
   c. Although the Medical Examiner has authority to determine who attends an autopsy, it is usually advisable to allow attendance by a recognized professional criminalist retained by representatives of the decedent, if such a request has been expressed before the autopsy has begun.

2. Conduct Officer and Employee Interviews according to law and department policy and this Protocol as follows:
   i. Law Enforcement Employees have the same rights and privileges as citizens.
   ii. Interviews of Law Enforcement Employees, witnesses and Suspects shall be conducted by designated Task Force Investigators, unless otherwise agreed upon prior to the interviews.
   iii. If and when the Task Force interview becomes custodial, the Miranda admonition is applicable. However, if the Law Enforcement Officer has a legal representative present at the interview, the Miranda admonition does not have to be given.
   iv. Agency policy and case law permit heads of law enforcement agencies to order their officers to cooperate with criminal investigations being performed by other agencies. Failure to comply with such orders may result in insubordination. When applicable, interviewees may be advised of this provision. However, officers will not be compelled by threats of administrative punitive action (or otherwise) to answer Task Force questions which could be self-incriminating.
   v. Task Force Interviews shall be conducted separately and recorded.

3. Draft and distribute complete and timely briefings and reports as delegated by the Task Force Manager;
   i. All Task Force investigators shall coordinate with the Task Force Manager to write a final report which documents their participation in the investigation;

4. Provide access to material evidence, reports, briefings, and interviewee statements of the Task Force Investigation to agencies that have an interest in the investigation, including Administrative Investigators; provided, however, that Task Force Investigators shall not participate in the Administrative Investigation;

5. Dispose of the physical evidence collected by the Task Force upon closure of the Task Force Investigation as prescribed by law and department policy; and
6. Discharge those additional duties and obligations pursuant to UCA §§ 76-2-401 through 408 and this Protocol.

6. **CONFLICT.**
   A. In the event of conflict, the provisions of UCA §§ 76-2-401 through 408 shall control.

**AGREED TO AND APPROVED BY**, each party to this Agreement has caused it to be executed on the date indicated below.

GRAND COUNTY ATTORNEY'S OFFICE

Christina Sloan
Grand County Attorney

[Signature]

Date: 8/13/19

GRAND COUNTY SHERIFF’S OFFICE

Steve White
Grand County Sheriff

[Signature]

Date: 8/19/19

MOAB CITY POLICE DEPARTMENT

Bret Edge
Moab City Police Department Chief

[Signature]

Date: 08/04/2019