

OFFICER INVOLVED CRITICAL INCIDENT (OICI) PROTOCOL

1. DEFINITIONS

- A. **Actively Involved Officers:** Officers as defined in Utah Code Ann. §53-13-102 who are actively involved in an OICI occurs as defined under Utah Code Ann. § 76-2-408 at the discretion of the County Attorney. This will not include those officers who were merely witnesses to the OICI.
- B. **Administrative Investigation:** An internal investigation that is conducted by the Employer Agency and addresses policy and procedural issues of the department, which investigation is separate and distinct from any required OICI Investigation hereunder.
- C. **Administrative Investigators:** Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the incident.
- D. **County Attorney:** The Grand County Attorney or their designee, who shall be a licensed Utah attorney who is a prosecutor or deputized to be a prosecutor.
- E. **Criminal Investigation:** An investigation triggered by an OICI that focuses on the conduct of the Subject. The Criminal Investigation shall be performed concurrently with the Protocol Investigation as well as concurrently but independently of the Administrative Investigation by the Employer Agency. The Criminal Investigation will be conducted pursuant to the procedures adopted by the Investigating Agency.
- F. **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.
- G. **Incident:** An Officer-Involved Critical Incident as defined herein.
- H. **Investigating Agency:** An independent law enforcement agency designated herein to investigate an Incident under this Protocol. The County Attorney and Participating Agencies hereby designate the **Utah Department of Public Safety/State Bureau of Investigation** (“SBI”) as the primary Investigating Agency. If an officer of a State Agency is an Actively Involved Officer in the OICI, or SBI declines in writing to act hereunder, the County Attorney and Participating Agencies hereby designate the **Utah County Sheriff’s Office** as the secondary/conflict Investigating Agency hereunder. All evidence collected because of an Incident shall be handled and processed by the **Utah Bureau of Forensic Services Laboratory System** (aka State Crime Lab), to the extent possible.
- I. **Officer-Involved Critical Incident:** An incident defined under Utah Code Ann § 76-2-408, that occurs in Grand County..
- J. **Participating Agencies:** Law enforcement agencies in Grand County who participate in this Protocol, including the Grand County Sheriff’s Office and the Moab City Police Department, which may also be an Employer Agency or Venue Agency.
- K. **Protocol:** This Officer Involved Critical Incident Protocol.
- L. **Protocol Investigation:** The investigation triggered by an OICI which focuses on

the conduct of the Actively Involved Officer(s). The Protocol Investigation shall be performed concurrently with the Criminal Investigation as well as concurrently, but independently, from any Administrative Investigation of the Employer Agency. The Protocol Investigation shall be conducted pursuant to the procedures adopted by the Investigating Agency.

- M. **Split Investigation:** An investigation into an OICI that only includes either the Protocol Investigation or the Criminal Investigation, but not both due to the geographical location of the incident, as well as the presence of a State or Tribal jurisdictional conflict in the location of the OICI.
- N. **Subject:** Any person involved in an incident who may be criminally culpable or injured.
- O. **Venue Agency:** The agency or agencies, within whose geographical jurisdiction the incident occurs. When an incident occurs in two or more jurisdictions, 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.

3. PARTICIPATING AGENCIES

- A. As soon as practical after receiving notice of an Officer Involved Critical 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 to:
 - i. Locate, preserve, safeguard, and maintain the custody chain on physical evidence on/with the Subject and/or Actively Involved Officer;
 - ii. Obtain a statement regarding the incident;
 - iii. Maintain custody of any person who has been arrested;
 - iv. Identify witnesses and medical personnel; and
 - v. Be available for contact with any injured person's family, if appropriate;
 - 3. Notify the County Attorney in the event of an Officer Involved Critical Incident;
 - 4. Notify the Investigating Agency of an Officer Involved Critical Incident;
 - i. If SBI declares a conflict, notification will be made to Utah County Sheriff's Office.

5. 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 OICI, the Employing Agency shall:
1. Facilitate the transportation and sequestering of Actively Involved Officers as promptly as possible in a secure location;
 2. Notify Actively Involved Officers that they shall not discuss the case among themselves, fellow officers, or others not involved in the investigation, except their legal representatives. Actively Involved Officers shall be allowed to contact their spouses or family and notify them of their well-being;
 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.

4. GRAND COUNTY ATTORNEY'S OFFICE

- A. As soon as practical after notification of an Officer Involved Critical Incident, the County Attorney shall:
1. Make a written determination whether the incident qualifies as an OICI; and
 2. Provide any assistance necessary to aid the Investigating Agency during their investigation.
- B. At the conclusion of the Protocol and Criminal Investigations:
1. Independently review the results of the Protocol and Criminal Investigations;
 2. Make a written determination of whether the action of the Actively Involved Officer(s) was "justified" pursuant to applicable sections of Utah Code;
 3. Make a determination whether violations of Utah law occurred, which determination shall be made within two (2) weeks of the completion of the Protocol Investigation, unless the complexity of the incident requires additional time;
 4. Close the Protocol Investigation file if the County Attorney determines the Actively Involved Officer was justified in the use of deadly force;
 5. Prosecute criminal charges if the County Attorney determines violations of Utah laws have occurred. Under such circumstance, the affiant on the information filed by the County Attorney's shall be an officer in the Investigating Agency; If criminal charges are filed, any follow up or further investigative work shall be performed by the Investigating Agency at the request of the County Attorney;
 6. Make or approve any necessary press releases about the Incident and the Investigations;
 7. Respond to requests for records under GRAMA or otherwise; and
 8. Discharge those additional duties and obligations pursuant to UCA §§ 76-2-401 through 408 and this Protocol.

5. **MISCELLANEOUS.**

- A. **Conflict.** In the event of conflict, the provisions of UCA §§ 76-2-401 through 408 shall control.
- B. **Disclaimer.** This Protocol is not intended to increase civil or criminal liability of any member agency or their employees. It shall not be construed as creating any mandatory obligation, responsibility, or liability to or on behalf of any third party.
- C. **Length of Protocol.** This Protocol shall remain in place until any of the signatories leave office, and may be modified at the request of any of the signing agencies.

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

09/08/2021

Date

GRAND COUNTY SHERIFF'S OFFICE



[Steven White \(Sep 20, 2021 15:32 PDT\)](#)

Steven White
Grand County Sheriff

09/20/2021

Date

MOAB CITY POLICE DEPARTMENT



[Bret Edge \(Sep 8, 2021 14:36 MDT\)](#)

Bret Edge
Moab City Police Department Chief

09/08/2021

Date

UTAH DEPARTMENT OF PUBLIC SAFETY



By:
Its:

09/02/2021

Date

UTAH COUNTY SHERIFF'S OFFICE



[Michael Smith \(Sep 17, 2021 12:06 MDT\)](#)

Michael L. Smith
Utah County Sheriff

09/17/2021

Date