Salt Lake County
Law Enforcement Task Force

Officer Involved Critical Incident (OICI)
Investigative Protocol

Adopted by vote of the Advisory Board on AUGUST 1st, 2024.

Chief Craig Burnett
Murray City Police Department
Advisory Board Chair

PREAMBLE

The Law Enforcement Officer Involved Critical Incident Investigative Protocol (this "Protocol") has been established to provide uniform procedures and mutually agreed-upon guidelines. The goal and purpose of the Protocol is to ensure compliance with Utah Code Annotated §76-2-408 along with ensuring every investigation of an Officer Involved Critical Incident (OICI) is conducted professionally, thoroughly, and impartially.

This Protocol's procedures and rules cannot anticipate every possible circumstance that might occur. When used correctly, this Protocol creates an independent, transparent, and objective process from which meaningful and valuable conclusions can be drawn. This Protocol is for the community, its citizens, the agencies who serve them, and the police officers who, often while making a split-second decision, take action in the exercise of government power that results in an OICI. Each deserves the best investigation, and this Protocol strives to achieve this idea.

This Protocol is not a statute, ordinance, or regulation. It is not intended to increase the civil or criminal liability of member agencies or their employees and shall not be construed as creating any mandatory obligation to, or on behalf of, third parties.

TABLE OF CONTENTS

I. DEFINITIONS
II. FORMATION OF A PROTOCOL TEAM
III. PROTOCOL STRUCTURE AND GOVERNANCE
  A. ADVISORY BOARD
  B. PROTOCOL COORDINATOR
  C. ASSISTANT COORDINATOR
  D. TEAM LEADER
IV. INVOCATION OF PROTOCOL
V. OPTIONAL INVOCATION OF PROTOCOL
VI. INVESTIGATIVE RESPONSIBILITIES
VII. EMPLOYEE INTERVIEWS, DOWNLOADS, & PROCESSING
VIII. SCENE SECURITY & SUBJECT SECURITY
IX. SCENE PROCESSING & EVIDENCE STORAGE
X. AUTOPSY
XI. PUBLIC/MEDIA RELATIONS
XII. ADMINISTRATIVE INVESTIGATION
XIII. RECORDS MANAGEMENT
XIV. TRAINING FOR PROTOCOL MEMBERS
XV. INTOXICANT TESTING
XVI. DISTRICT ATTORNEY'S OFFICE
XVII. CUSTODIAL DEATHS
XVIII. OICI INVOLVING MOTOR VEHICLES
XIX. PROTOCOL ORGANIZATIONAL FLOW CHART
XX. PROTOCOL TEAM ORGANIZATION
XXI. CALLOUT FLOW CHART

I. DEFINITIONS

A. **Administrative Investigation**: An investigation conducted by the Employing Agency, generally conducted by the Employing Agency's Internal Affairs Investigators.

B. **Advisory Board**: A Board that shall govern the administration of the Protocol.

C. **Case Manager**: The investigator who is assigned by the Team Leader to lead and manage the investigation and prepare the case to be presented to the District Attorney's Office.

D. **Contributing Officer**: An Officer whose conduct is directly related to, or contributes to, the cause of the OICI.

E. **In-Custody Death:** The death of a person in law enforcement custody.
§76-2-408(1)(c) UTAH CODE ANNOTATED
"In custody" means in the legal custody of a state prison, county jail, or other correctional facility, including custody that results from:
- (i) a detention to secure attendance as a witness in a criminal case;
- (ii) an arrest for or charging with a crime and committing for trial;
- (iii) committing for contempt, upon civil process, or by other authority of law; or
- (iv) sentencing to imprisonment on conviction of a crime

F. **Dangerous Weapon**: A firearm or an object that in the manner or its use or intended use is capable of causing death or serious bodily injury.

G. **Deadly Force**: Force that creates or is capable of creating a substantial risk of causing death or serious bodily harm to a person or forced used with the purpose of causing a substantial risk of death or serious bodily injury to a person.

1) The use of instrumentalities other than firearms may constitute the deployment of deadly force. Police cars have been held to be instruments of deadly force. For this protocol, if the use of a vehicle, police dog, or other instrumentality results in the death or serious bodily injury of a subject, the use of that force would constitute the invocation of this Protocol. A dog bite is only deadly force if it results in or is likely to result in death.

H. **District Attorney's Office:** The Salt Lake County District Attorney's Office or their designated representative in their absence.

I. **Employing Agency:** The Agency employing an officer who is alleged to have caused or contributed to the OICI (In many cases the Employing Agency will also be the Venue Agency).

J. **Escorting Officer**: The officer (preferably a supervisor) who maintains custody of the Involved Officer until relieved by a Protocol Team member.

K. **Forensic Unit**: The Protocol Team Leader's Employing Agency will generally be responsible for scene processing, evidence collection and storage.

L. **Guarded Access**: A member of the Protocol Team must be present when a Liaison Officer or any other member of the Employing Agency has contact with the Involved or Contributing Officer(s).

M. **Involved Officer**: An officer whose conduct directly results in an OICI.

N. **Law Enforcement Employee**: This Protocol applies to defined employees and to certain people affiliated with Participating Agencies as follows:

1) Full-time, part-time, and hourly sworn officers; whether on or off duty and acting for a law enforcement agency or for a private purpose at the time of the OICI.
2) Full-time, non-sworn employees on duty at the time of the OICI.
3) Part-time, non-sworn employees on duty at the time of the OICI.
4) Reserve Officers on duty at the time of the OICI.
5) Temporary law enforcement employees and law enforcement agency volunteers, whether paid or unpaid, on duty at the time of the OICI. This category includes informants when they are working under the direct control and supervision of an Officer.

O. **Liaison Officer**: An officer or representative from the Employing Agency who is not a member of the Protocol Team but who serves as a liaison to the Protocol Team for a specific OICI investigation to facilitate communication between the Protocol Team and the Employing Agency. The Liaison Officer is not assigned investigative functions, but can respond to requests from the Protocol Team and can be present during interviews. The Liaison Officer shall have Guarded Access at all times to the Involved or Contributing Officer(s).

P. **Law Enforcement Officer**: A law enforcement officer as defined in Section 53-13-103.

Q. **Officer Involved Critical Incident (OICI)**: is any of the following:

1) The use of a dangerous weapon by an officer against a person that causes injury to any person;
2) A fatal injury to any person except the officer, resulting from the use of a motor vehicle by an officer;
3) The death of a person who is in law enforcement custody, but not including deaths that are the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person's death; or
4) A fatal injury to a person resulting from the efforts of an officer attempting to prevent a person's escape from custody, make an arrest, or otherwise gain physical control of a person.
5) Any incident consistent with the statutory definition of an OICI as outlined in §76-2-408 UTAH CODE ANNOTATED (as amended by the Utah State Legislature).

R. **Participating Agency**: A law enforcement agency that agrees to be subject to and participate in this Protocol as set forth herein and has indicated such a commitment to participation by approving the Interlocal Agreement.

S. **Protocol Coordinator**: The person who (1) is the primary contact for initial notification of an OICI, and (2) coordinates the assignment of the Protocol Teams for OICI.

T. **Protocol Team or Team**: The investigative unit designated to investigate an OICI. A Protocol Team is comprised of members of a law enforcement agency, the district attorney's office, and/or an interagency task force composed of officers from multiple law enforcement agencies.

U. **Scene Manager**: A Protocol Team member who has responsibility for managing the scene, this may be a Detective or a Forensic Protocol Team member. The Scene Manager answers to the Protocol Team Leader and/or the Case Manager.

V. **Subject**:
   1) The person (injured or not), who caused the Law Enforcement Employee to use Deadly Force, and who may or may not have criminal culpability related to the OICI; or
   2) The person against whom force under investigation was applied.

W. **Team Leader**: A leader of a Protocol Team, generally a person of the rank of Sergeant or above.

X. **Venue Agency**: The agency or agencies within whose geographical jurisdiction the OICI occurs.

Y. **Public Information Officer**: A member of a participating agency who is designated as the spokesperson for media relations.

II. FORMATION OF A PROTOCOL TEAM

Agencies in Salt Lake County may participate in this Protocol by supplying personnel and/or resources to a current Protocol Team or an agency may form its own OICI Protocol Team under this Protocol, subject to approval by the Advisory Board.

Currently the following agencies have a standing Protocol Team: Salt Lake City Police Department (Team 1), Unified Police Department of Greater Salt Lake (Team 2), West Valley City Police Department (Team 3), and West Jordan Police Department (Team 4).

Each Team will at a minimum consist of a Team Leader, a Case Manager, six Investigators, a Forensic Unit (including a Scene Manager), Evidence Storage Unit, and a Public Information officer. The Advisory Board will determine if a particular Team, Evidence Storage Unit, or Forensic Unit qualifies for inclusion in this Protocol.

Each Team should have the ability to have members of the Team arrive on the scene of an OICI within thirty minutes and the majority of the Team should arrive within one hour after the callout has been initiated. A Team may decline a call out for cause but should make a good faith effort to respond when called.

III. PROTOCOL STRUCTURE AND GOVERNANCE

A. ADVISORY BOARD

An Advisory Board will govern the administration of the Protocol. The Advisory Board will consist of representatives from each Participating Agency and the District Attorney's Office. Any participating agencies contributing personnel and resources to a task force will have one

vote on the Advisory Board. An agency that does not contribute any personnel to a task force can participate in board discussions but will not have a vote on the Advisory Board.

The Advisory Board will select the Protocol Task Force Coordinator and alternates -- seeking the very best and most qualified person to fill each of these critical positions. Although the Advisory Board will endeavor to reach unanimity as to who will be designated to fill these key positions, the position of Protocol Task Force Coordinator, including alternates for these positions, shall require the approval of at least seventy-five percent (75%) of the Advisory Board.

1) The Advisory Board will select a Protocol Task Force Coordinator who is the most qualified of the applicants.
2) The Advisory Board will select alternates for the position of Protocol Task Force Coordinator, in order for substitutions to be made in the event of conflicts.

Protocol team members will be assigned by each agency contributing to the task force. The Protocol Task Force Coordinator can reassign a team member to another team with the consent of the appointing agency.

The Advisory Board will be led by a Chairperson who shall serve a term of two (2) years unless a different Chairperson is elected by a motion and vote of the Advisory Board. The Chairperson shall be voted in or out of this position by at least a seventy-five percent (75%) vote. The Chairperson will be elected from the representatives currently on the Advisory Board. Any action taken by the Advisory Board requires a seventy-five percent (75%) majority vote to become effective. The Chairperson does not have any additional voting power by virtue of their position as Chairperson. The Advisory Board will elect a Vice Chairperson to function in the capacity of the Chairperson when the Chairperson is unavailable or unable to perform the duties as outlined herein. The elected Vice Chairperson will become the next Chairperson of the Advisory Board once the Chairperson has completed their term, subject to a vote of the Advisory Board.

The Advisory Board shall meet as deemed necessary by the Chairperson or at the request of a Participating Agency representative. The Advisory Board will meet to address Protocol issues, amend or modify this Protocol, report on transpired Protocol investigations, discuss and plan training, discuss and approve allocation of resources, and other matters that concern or involve the Protocol. Decisions made by the Advisory Board along with changes to this Protocol shall be sent to the Chief Executive Officers of all Participating Agencies and the District Attorney. Decisions made by the Advisory Board, including but not limited to the Protocol, shall only be made upon the approval of at least seventy-five percent (75%) of the Advisory Board. Notice of all proposed Protocol changes shall be sent to the Chief Executive Officers of all Participating Agencies and the District Attorney at least 7 days prior to an Advisory Board Meeting.

The Advisory Board shall receive input from each Participating Agency regarding the description of assets, equipment, and other resources dedicated to the Protocol. The Protocol

Coordinator will work with the Participating Agency if there are issues with a specific individual of resource.

The Advisory Board will select a Protocol Coordinator along with an Assistant Protocol Coordinator from the Participating Agencies.

Any replacements, additions, or substitutions will be at the recommendation of the Protocol Coordinator with the approval of the Advisory Board.

B. PROTOCOL COORDINATOR

The Protocol Coordinator provides leadership, organization, and structure to the OICI investigation and is a resource for the Team Leaders. The Protocol Coordinator will help answer unresolved questions of protocol and procedure. Consistent with the OICI Protocol, the Protocol Coordinator will choose which Protocol Team investigates the OICI to ensure that the Protocol Team Leadership is from a non-involved agency.

The Protocol Coordinator shall serve a term of four (4) years, which term may be extended by a vote of the Advisory Board. The Coordinator and Assistant Coordinator shall be a member of a Participating Agency. The Coordinator and Assistant Coordinator shall be voted in or out of this position by at least a seventy-five percent vote of the Advisory Board.

The Protocol Coordinator is responsible for the following:

1) Advising the Venue Agency and District Attorney which Protocol Team is available for a specific OICI.
2) Contacting the particular Protocol Team Leader for a Protocol Team response.
3) Aiding the Protocol Team Leader with any requests the Team Leader may have.
4) Maintaining contact information for Team Leaders.
5) Remaining available to facilitate the assignment of additional resources and personnel as needed to aid the Team Leader.
6) Arranging additional specialized training and monitoring training hours for team members.
7) In the event of a conflict, the Protocol Coordinator shall notify the Venue Agency and the DA's Office.

The Protocol Coordinator will not take an active role in an OICI investigation and should remain available for the next OICI incident.

C. ASSISTANT COORDINATOR

The Assistant Coordinator serves in the absence of the Protocol Coordinator.

D. TEAM LEADER

A Team Leader means a leader of a Protocol Team, generally a person of the rank of Sergeant or above. A Team Leader is responsible for the following:

1) Managing the overall OICI investigation, organization, and progression.
2) Keeping the involved agencies informed of the OICI status.
3) Ensuring adequate resources are available and utilized for interviews, evidence collection, documentation, and other investigation functions.

IV. INVOCATION OF PROTOCOL

Upon a qualifying event this protocol is automatically and immediately in effect. In accordance with UCA §76-2-408 the Venue Agency is required to immediately contact the District Attorney's Office and the Protocol Coordinator to affirmatively invoke the protocol.

The Protocol Coordinator will determine which Protocol Team(s) are available for a response to the OICI, after which the Protocol Coordinator will contact the District Attorney's Office and venue agency and inform them which Team will handle the OICI. The Protocol Coordinator will then initiate the Protocol Team callout and response *(See the Callout Flow Chart at the back of this document).*

As a general guideline after the Employing Agency is involved in an OICI (non-motor vehicle or non-custodial in nature) and has a fully functional Protocol Team, this Team may be considered as the first option for handling the next OICI investigation.

If an OICI occurs outside of the employee's jurisdiction, and there is a Protocol Team from the Venue Agency, that Protocol Team should generally handle the investigation, after consultation with the District Attorney's Office, the Employing Agency, and the Protocol Coordinator. A Protocol Team can be called in to assist or handle this type of OICI by mutual agreement between the involved agencies and the District Attorney's Office.

If the chosen Team is not available, the Protocol Coordinator will designate another Team to respond in consultation with the Venue Agency and District Attorney's Office.

If multiple Venue and/or Employing Agencies are involved in the OICI, the Protocol Coordinator will designate an appropriate Team to respond in consultation with each agency involved in the OICI and the District Attorney's Office.

Each Protocol Team should have the ability to have its team members present and on scene within 30 minutes following the callout. The majority of the Team should arrive within one hour.

V. OPTIONAL INVOCATION OF PROTOCOL

Each participating agency, in the capacity of a Venue Agency or Employing Agency, may itself invoke this Protocol upon the occurrence of any incident involving a Law Enforcement Employee in which the Employing Agency deems an outside investigation is appropriate.

1) The Protocol Coordinator may decline participation in an optional Protocol invocation.
2) A specific Team may decline participation in an optional Protocol invocation.
3) The District Attorney's Office has discretion to decline participation in an Optional Protocol invocation.
4) In lieu of an Optional invocation of the Protocol, the involved agency may investigate the matter itself.

VI. INVESTIGATIVE RESPONSIBILITIES

The purpose of the OICI Protocol investigation is to examine an officer's use of force which results in serious bodily injury or death of a subject during a law enforcement encounter. The subject's actions prior to the officer's actions, if constituting a criminal offense, is a separate incident and will be investigated separately. The Venue Agency where the subject's alleged criminal conduct occurred may investigate this separate incident, ask another agency to investigate, or ask the Protocol Team to investigate the separate incident.

If the protocol team is asked by the venue agency head to investigate the related criminal offense by the subject(s) involved in the OICI protocol investigation, the Protocol Team Leader will ensure separate investigators are assigned to the criminal investigation.

The Protocol Team is responsible for screening the case in its entirety with the District Attorney's Office. If the Protocol Team is asked to conduct a related criminal investigation, the District Attorney will direct how screening will take place.

The designated Protocol Team is in charge of the OICI investigation they respond to but may use the assistance of the Venue and/or Employing Agency officers at the discretion of the Protocol Team. Any assistance provided to the investigation by the Venue and/or Employing Agency should include notations in reports describing which Protocol Team member made the request and to whom the evidence or reports were given.

The Venue Agency will provide a victim advocate(s) for any civilian crime victims involved in the OICI.

The District Attorney's authorized investigator, representative, or liaison shall be entitled to participate in the investigation.

The Employing Agency shall assign a liaison officer. The Protocol Team will work with the liaison officer to the greatest extent possible in order to keep the liaison officer informed of the investigation. The Protocol Team will cooperate with the liaison officer on agency

specific accommodations to the Involved Officer, including but not limited to, notification of support members, family, clergy, medical and mental health assistance, union representatives, and legal representatives.

VII. EMPLOYEE INTERVIEWS, DOWNLOADS & PROCESSING

The Protocol Team will determine the location where the involved employees, witnesses and suspects will be transported for processing and interviews. Officers who were present at the time of the OICI, whether involved or witnesses, will be relieved of their duties as promptly as possible and shall, if possible, be individually transported by an Escorting Officer to the facility designated by the Protocol Team Leader. Care should be taken by the Escorting Officer to maintain visual contact of the Involved Officer(s), including weapons, until relieved by a Protocol Team member. Involved Officers shall not discuss their use of Deadly Force or their involvement in an OICI amongst themselves, fellow officers, or other officers (except their legal representatives).

Public safety statements should be given at the scene of an OICI as soon as a supervisor arrives, and no other statement should be taken without an attorney present. The public safety statement shall be taken as soon as possible after the incident and may be taken by any non-involved sworn law enforcement officer, regardless of that officer's employing agency. The public safety statement should include:

1) The type of force used.
2) Location of injured person, including those in need of medical attention, if any
3) Description of outstanding suspects and their direction of travel, time elapsed since the suspect was last seen, and any suspect weapons they may possess.
4) Direction and approximate number of any shots fired by involved officer and/or suspects and any known results, if applicable.
5) Description and location of known evidence.
6) Other information necessary to ensure officer and public safety and assist in the apprehension of outstanding suspects including identity of all persons present.

Unless exigent circumstances exist, the person that takes the public safety statement shall remain on scene until the Protocol Team Leader arrives and can be briefed.

Law Enforcement Employees have the same rights and privileges as citizens, including the right to consult with legal counsel prior to being interviewed and the right to have their legal representative present during an interview. Interviews of Involved Employees should not be conducted immediately (with the exception of a dying declaration) but may occur at a later time giving the Employee a chance to meet with their legal representative.

Involved Employees may call their spouses or family in order to notify them of their well-being.

Interviews of witnesses or other involved parties outside the presence of Protocol Investigators, and without prior mutual agreement by the Protocol Team Leader, tend to undermine the purpose and usefulness of this Protocol and shall not occur.

All citizen witnesses or involved individuals at the scene may be temporarily detained in order to gain control of the scene. Once the scene has been contained and any suspects have been taken into custody, all witnesses or other involved individuals who are questioned should be interviewed in a non-custodial setting, unless a material witness warrant has been obtained to require their attendance.

Weapons inspection and download(s) will be handled by the Protocol Team and will generally be conducted where the officer was transported following the incident. The officer shall be photographed in the presence of the Protocol Team in the clothing he/she was wearing during the incident.

Specific requests of the Employing Agency for implementation of agency-specific requirements (such as body photographs, blood tests, medical exams, or other similar requests) will be honored and the liaison officer will instruct the Protocol Team on how to handle such requests.

Weapons replacement will be handled by the Employing Agency.

VIII. SCENE SECURITY & SUBJECT SECURITY

The Venue Agency has the initial responsibility for securing the crime scene(s) within its jurisdiction. Ultimate scene security is the responsibility of the Venue Agency under the direction of the Protocol Team Leader.

Prior to final relinquishment of the scene, the Protocol Team will provide the Venue Agency and/or Employing Agency Administrative Investigators and/or attorneys representing the Venue or Employing Agency an opportunity to walk through the scene and assess the need for further processing.

In the event of subject(s) being transported to the hospital, the Venue Agency should accompany the subject(s) in order to:

1) Locate, preserve, safeguard, and then transfer the custodial chain of evidence to the Protocol Team.
2) If applicable, the Venue Agency may obtain a dying declaration, or document any spontaneous utterances, contemporaneous statements, or similar type of statements. Statements shall be recorded whenever possible. The Venue Agency shall not elicit any type of statement.
3) Maintain custody if the subject is to be arrested.
4) Identify witnesses and medical personnel.

5) A Protocol Team member should respond as soon as practical in order to preserve and collect evidence and obtain any statements.
6) For officer safety, visitors are not allowed in the subject(s)'s hospital room.

Guard duty will generally be staffed by the Venue Agency, though the Protocol Team can assume this responsibility if the Protocol Team Leader deems it appropriate.

IX. SCENE PROCESSING & EVIDENCE STORAGE

The Protocol Team Leader's Employing Agency's Forensic Unit will generally be responsible for scene processing, evidence collection, and storage. Administrative Investigators from the Employing Agency have access to all collected evidence and test results as provided by a Protocol Team Member.

Evidence collected during the course of the OICI investigation will be stored at the Protocol Team Leader's Employing Agency. When the District Attorney's Office concludes the physical evidence collected for the Protocol Investigation is no longer needed for legal purposes, the agency storing the evidence along with the Employing Agency will be notified. The Employing Agency will then assume responsibility for preservation or disposal of such evidence as prescribed by law and departmental policy.

Evidence that is necessary for prosecution and is collected as part of any separate investigation into the criminal conduct of the subject(s) or other criminal activity related to or immediately preceding the OICI that is investigated by the Protocol Team or any other law enforcement agency will be retained by the agency that conducted the investigation until properly disposed of according to the rules of evidence and that agency's internal policies and procedures. The agency disposing of any evidence under this section shall provide written notice of the intent to dispose of evidence to the Venue Agency and/or Employing Agency at least ten business days prior to disposal.

X. AUTOPSY

A member of the Protocol Team will attend the autopsy unless otherwise agreed upon and cleared by the Protocol Team Leader.

When the Medical Examiner agrees, the Protocol Team Member attending the autopsy shall assume responsibility for documenting and collecting physical evidence. Any evidence collected shall be held at the Protocol Team Leader's Employing Agency's Evidence Facility. Any variance of this must be approved through the Case Manager and the Protocol Team Leader.

XI. PUBLIC/ MEDIA RELATIONS

The Venue, Employing, and Protocol Team Leader's Employing Agency's Public Information Representatives will coordinate to handle any press inquiries and releases. The Venue Agency will generally be the Lead Public Information Contact Person. It is encouraged that the Protocol Team Leader be consulted prior to the release of any public statements.

If the Protocol Team investigators determine the release of specific information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge about the hazards of releasing such information. This Protocol does not limit or affect the obligations of any Venue or Employing Agency to publicly release information, as may be required by statute, ordinance, or Agency policy or procedure. However, the Protocol Team Leader and District Attorney's Office shall be notified in advance of the public release of any information that is directly related to an ongoing investigation being conducted under this Protocol.

When permissible the following statement should be used for information release:

> *"The Salt Lake County Officer Involved Critical Incident Protocol has been invoked and Team _ is investigating this incident. The Protocol Team is a multijurisdictional unit comprised of investigators from police departments throughout the valley, not including the agency or agencies involved. This protocol creates an independent, transparent, and objective process from which meaningful and valuable conclusions can be drawn. Once the investigation is complete it will be presented to the Salt Lake County District Attorney's Office for review."*

XII. ADMINISTRATIVE INVESTIGATION

Any related Administrative Investigation will be conducted by the Employing Agency, typically by the Employing Agency's Internal Affairs Investigators. The Protocol Team will cooperate with the Administrative Investigation (Internal Affairs) to the greatest extent possible. While the Protocol Team does not direct the Administrative Investigation, their results are of interest to the Employing Agency for its internal use and those results are fully available for that purpose.

The Protocol Team's investigation and the Administrative Investigations are important and should be aggressively pursued, however, any investigative conflicts between the two formats shall be resolved by allowing the Protocol Team to have priority. It is intended that this prioritization will preclude competition between the two investigative formats for access to witnesses, physical evidence, and the involved parties. This prioritization will prevent the Protocol Investigation from being compromised by an untimely exercise of the Employing Agency's control of the scene, evidence, and/or witnesses.

Prior to final relinquishment of the scene, the Protocol Team will provide the Administrative Investigators with an opportunity to walk through the scene and assess the need for further processing.

The Employing Agency shall control the reports and findings of the Administrative Investigation.

In accordance with established law, evidence that is obtained by Administrative Investigators after ordering Law Enforcement Employees to cooperate (i.e. interview statements, physical evidence, toxicology test results, investigative leads, etc.) shall not be revealed to Protocol Team Members.

XIII. RECORDS MANAGEMENT

All reports will be forwarded to the Protocol Team Leader (or Case Manager if applicable) for coordination and insertion into the reporting format of the Protocol Team Leader's Employing Agency. The Protocol Team Leader will decide which investigator is responsible for drafting a particular report and will coordinate appropriately. Protocol Team members should not draft more than one report on an interview or event. The Protocol Team Case Manager is responsible for the final report.

The Venue Agency has the sole responsibility for the proper reporting of crime statistics related to the incident for which the Protocol was invoked in compliance with rules set by the Utah Department of Public Safety (for UCJIS/BCI) and the Federal Bureau of Investigation (for NIBRS). All documentation and reports created by the Protocol Team are done under the principles of mutual aid as an "Agency Assist" for purposes of crime statistics reporting. In cases where the Venue Agency is not the Employing Agency, the respective Records Management personnel from the Venue Agency and the Employing Agency will coordinate to prevent duplication of crime statistical data.

Although the Protocol Team Leader's Agency will be deemed to be the agency that controls the records related to the OICI while the investigation is active, all audio and video records created through the use of body-worn cameras, dashboard cameras, or other digital technology will be held and maintained by the agency that deployed the equipment. A copy of any such audio and/or video records will be provided to the Protocol Team as soon as possible for use in the investigation.

Each incident investigated under this Protocol shall be screened with the Salt Lake County District Attorney's Office consistent with the District Attorney's screening procedures. The Venue and/or Employing Agency head and limited administrative employees should be invited to observe the screening. Immediately following the screening, unless substantial follow-up investigation requests are made by the District Attorney's Office for the Protocol Team, a copy of the complete Protocol Team investigative file shall be made available to the

Venue and/or Employing Agency to facilitate the timely completion of any Administrative Investigation.

Following the release of the District Attorney's determination, the Protocol Team's investigation is considered closed. Once this occurs, any and all documents and records contained in the underlying Protocol Team investigative file will be transferred to the Venue Agency. The Venue Agency is considered the keeper or holder of the record(s) for the purposes of compliance with all provisions of the Government Records Access and Management Act under title 63G in Utah code. In cases where the Venue Agency is not an Employing Agency, records shall be transferred to both the Venue Agency and the Employing Agency, however the Venue Agency remains the keeper or holder of the record(s). If the Venue Agency is not an Employing Agency and determines to release any information related to an investigation documented under this Protocol, the Venue Agency shall notify the Employing Agency prior to the public release of information.

Material that is created or collected at the request or direction of the Protocol Team investigators shall be made available in a timely manner to those agencies that have an interest in the investigation. Such material shall include written reports, access to physical evidence, photographs, diagrams, and all recordings.

XIV. TRAINING FOR PROTOCOL TEAM MEMBERS

Each Participating Agency acknowledges that training in OICI investigation techniques is essential for the best outcome of any investigation and as such will commit adequate resources for its members as necessary to ensure such training. Protocol Team members will be required to participate in special training arranged by the Protocol Coordinator.

XV. INTOXICANT TESTING

Law Enforcement Employees have the same rights and privileges as citizens regarding intoxicant testing. When Protocol Team investigators determine that a Law Enforcement Employee's sobriety is relevant to the investigation, they have these options:

1) Obtain a blood and/or urine sample by consent.
2) Obtain a search warrant if applicable.

Intoxicant test results obtained by Protocol Team Investigators are available to Administrative Investigators. In the event Protocol Team Investigators do not obtain blood and/or urine samples for testing, the Employing Agency may then seek to obtain samples; however, the Protocol Team will not have access to the test results.

XVI. DISTRICT ATTORNEY'S OFFICE

The District Attorney's Office will participate in the Protocol Investigation as follows:

1) In addition to the authority set forth in this Protocol, the District Attorney has its own, separate investigative authority. When deemed appropriate by the District Attorney, the District Attorney's Office may perform an independent investigation of the OICI.
2) If the Protocol Investigation results in criminal charges against a Law Enforcement Employee, the affiant on the information filed by the District Attorney's Office shall be the District Attorney Investigator unless otherwise agreed upon by the Protocol Team Leader and the District Attorney.
3) In the event criminal charges are filed, the Protocol Team Investigation shall be dissolved and any additional follow-up investigation that is needed to prepare the case for trial shall be handled by the District Attorney's Office. Any officer assigned to the Protocol Team should make themselves available for trial preparation and court purposes.
4) The District Attorney's Office will receive and review the findings of each OICI investigation conducted under this Protocol, unless an actual conflict of interest exists. If an actual conflict of interest exists, the District Attorney shall make a written explanation of the conflict and obtain the assistance of another prosecutorial entity capable of performing the duties and obligations of the District Attorney as set forth in this Protocol.
5) The District Attorney's Office, in consultation and coordination with the Protocol Coordinator and Protocol Team Leaders, shall develop a standardized procedure for the screening of OICI cases to include the minimum information, standards, and tasks to be gathered/completed before a case may be submitted for screening.
6) The District Attorney has the responsibility to determine whether the defense of justification may be claimed by an Involved Officer relative to their actions that resulted in the OICI pursuant to §76-2-401 and §76-2-404 UTAH CODE ANNOTATED.
7) When the Protocol Team Leader believes the OICI investigation is complete or substantially complete pursuant to the standardized procedure referenced in Subsection (5) above, the Protocol Team Leader or their designee will offer to schedule a briefing with the District Attorney's Office and present the findings of the OICI Investigation. The Employing Agency shall be invited to and may attend the presentation of the investigation's findings to the District Attorney Office at a mutually agreeable time.
8) The District Attorney and designated personnel will conduct an independent review of the OICI Investigation. The District Attorney's independent review will initially determine whether the OICI Investigation provided enough information to make a determination relative to the affirmative defense of justification.
9) If, following the presentation of the investigation to the District Attorney's Office, additional follow-up investigation is necessary, the assigned Protocol Team Leader shall have the primary responsibility of ensuring that the request or investigative task is completed, and the results of such follow-up investigation are provided to the District Attorney's Office and the Venue/Employing Agency.

10) Once the screening has occurred and all investigative tasks that are reasonably within the direct control of the Protocol Team have been completed and made available to the District Attorney's Office (i.e. ballistics reports, forensics analyses, case reports and other documentation), the investigation is considered "turned over" to the District Attorney's Office pursuant to the requirements of §76-2-408(6) UTAH CODE ANNOTATED. Tasks or information that are not reasonably within the direct control of the Protocol Team (i.e. Medical Examiner's Report, toxicology analysis, etc.) are not required to be submitted to the District Attorney's Office prior to the case being designated as "turned over."
11) The District Attorney's Office may request additional information germane to its review from any Venue or Employing Agency. It shall be the responsibility of the assigned Agency Liaison, at the direction of their respective Chief, Sheriff, or Agency Administrator, to facilitate such requests in a timely manner.
12) Once a determination is made relative to the affirmative defense of justification, the District Attorney will summarize the OICI Investigation and the findings thereof and report the determination and the rationale for the determination. The District Attorney shall prepare a written summary letter containing the above and deliver the letter to the Employing Agency and the Protocol Team Leader. This letter is not to be released to the public or press and is deemed to be only a draft.
13) Upon receipt of the District Attorney's draft summary letter containing the determination, the Employing Agency will have five (5) working days to review and reply if necessary to the letter. The Employing Agency may also raise concerns or objections to the letter or portions thereof to the District Attorney. The District Attorney may make changes as appropriate and submit a final letter to the Employing Agency and the Protocol Team Leader.
14) After the Employing Agency has had 24 hours to review the final letter, the District Attorney shall release the letter to the public.
15) All time guidelines mentioned in sections 13 and 14 above may be waived by the common consent of both the District Attorney and the Employing Agency.
16) If the District Attorney's review determines that the affirmative defense of justification may successfully be claimed by an Involved Officer, or that the facts of the case likely support a finding that the affirmative defense of justification applies, this legal defense prevents any further consideration by the District Attorney of criminal charges against that Involved Officer, and the OICI Investigation and review are deemed closed, if no other investigative tasks remain uncompleted.
17) If the District Attorney's Office concludes that criminal charges are warranted against an Involved Officer, the District Attorney may file criminal charges against an Involved Officer.
18) After a criminal charge is filed against an Involved Officer, any follow-up and further investigative work shall be performed by and be the responsibility of the District Attorney's Office and agencies designated to assist.

XVII. CUSTODIAL DEATHS

1) INVOCATION. This Protocol shall be invoked for all in-custody deaths as defined under §76-2-408(1)(c) UTAH CODE ANNOTATED and referenced in Section 1E of this agreement, and those incidents where the person in custody is transported to the hospital and the hospital staff states the person is in critical condition. For in-custody death investigations arising at the Salt Lake County Jail, the South Salt Lake Police Department and the District Attorney's Office, which have investigated these deaths in the past and have expertise in these investigations, shall be designated as the agency for investigation unless South Salt Lake is an Employing Agency, at which point the Protocol Coordinator, in consultation with the Sheriff, District Attorney and South Salt Lake Police Chief, shall designate another agency or Protocol Team to conduct the investigation.
2) ATTENDED DEATHS. The death of a subject who is in law enforcement or corrections custody is subject to the Protocol unless it is an attended death. An attended death is when the death of the subject was anticipated and the result of a medical condition while the subject was under the care of a physician.
3) STATE PRISON OR HOLDING FACILITIES. When the OICI related to an in-custody subject occurs at a prison or a law enforcement holding area the Venue Agency is the agency having jurisdiction in that area and the prison or law enforcement agency is the Employing Agency. For in-custody death investigations arising at the Utah State Correctional Facility in Salt Lake City, the Utah State Bureau of Investigation shall be designated as the agency for investigation unless the Utah State Bureau of Investigation is an Employing Agency, at which point the Protocol Coordinator, in consultation with the District Attorney, the Commissioner of the Utah Department of Public Safety, and the Director of the Utah Department of Corrections, shall designate another agency or Protocol Team to conduct the investigation.
4) OUTSIDE CORRECTIONAL FACILITY OICI. When the incident related to an in-custody person occurs outside a correctional facility, the law enforcement agency having jurisdiction in the area will act as the Venue Agency and the Employing Agency is the agency that had custody of the person. This section applies to incidents where a person is in custody as defined under §76-2-408(1)(c) UTAH CODE ANNOTATED and referenced in Section I of this agreement.
5) NON-CUSTODIAL OICI. When the statutory definition of custody is not clearly established (i.e. a person detained in handcuffs but not arrested, a suspect actively fleeing or resisting, etc.), this Protocol is automatically invoked in circumstances where a fatal injury occurs to a person as a direct result of the efforts of an officer attempting to prevent a person's escape from custody, make an arrest, or otherwise gain physical control of a person. In all other cases, this Protocol may be invoked under the Optional Invocation clause at the discretion of the Venue or Employing Agency's Chief, Sheriff, or Agency Administrator, in consultation with the Protocol Coordinator.
6) CUSTODIAL DEATH SCENES. When an OICI occurs in a correctional facility, a holding facility or other location and other inmates or persons may be witnesses, those

inmates should be identified and if possible separated pending interviews by the Protocol Team investigators.

7) EXECUTION ORDERS. If an in-custody death occurs as the result of a lawful execution order by a Utah court, this Protocol will not be invoked.

XVIII. OICI INVOLVING MOTOR VEHICLES

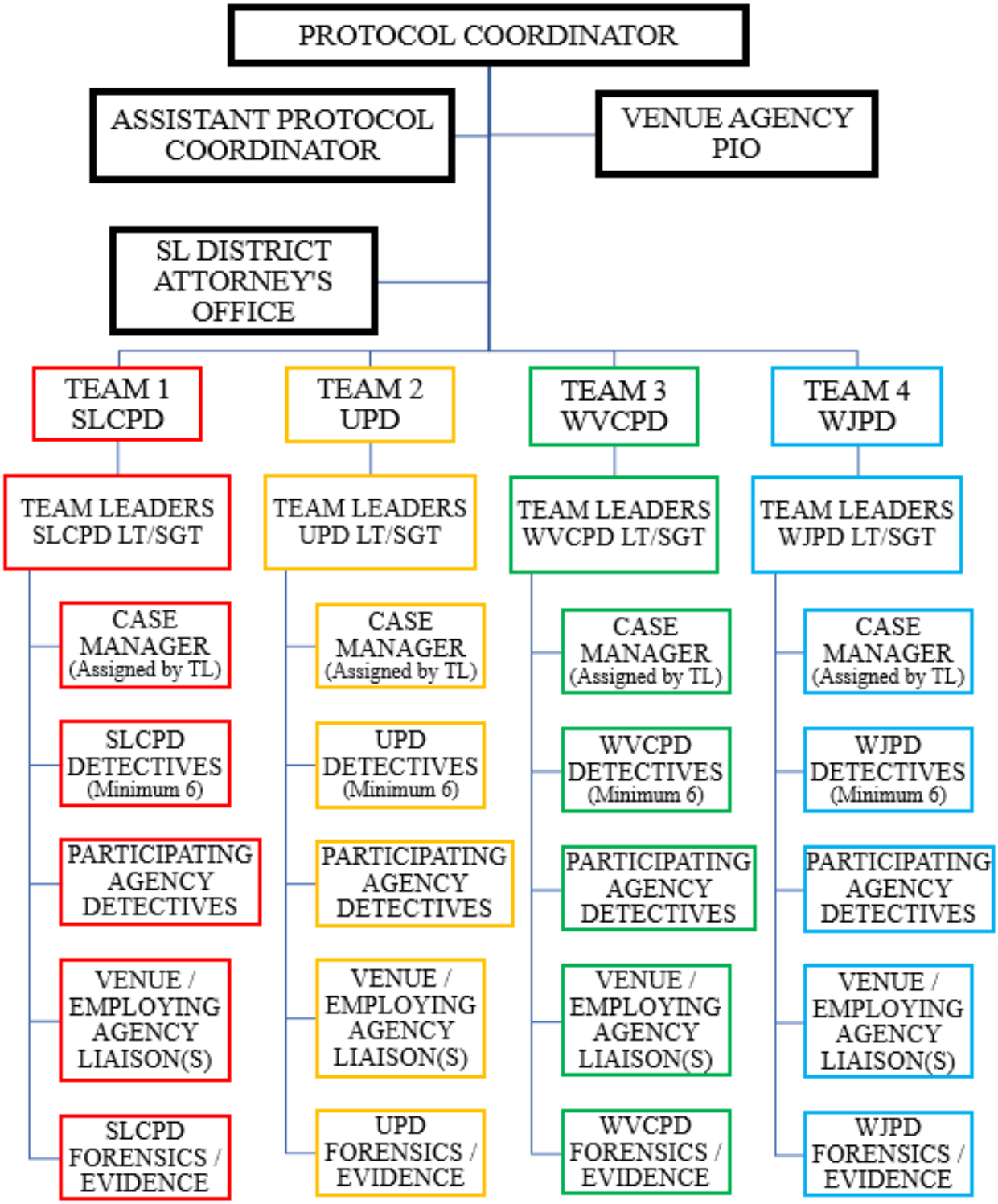
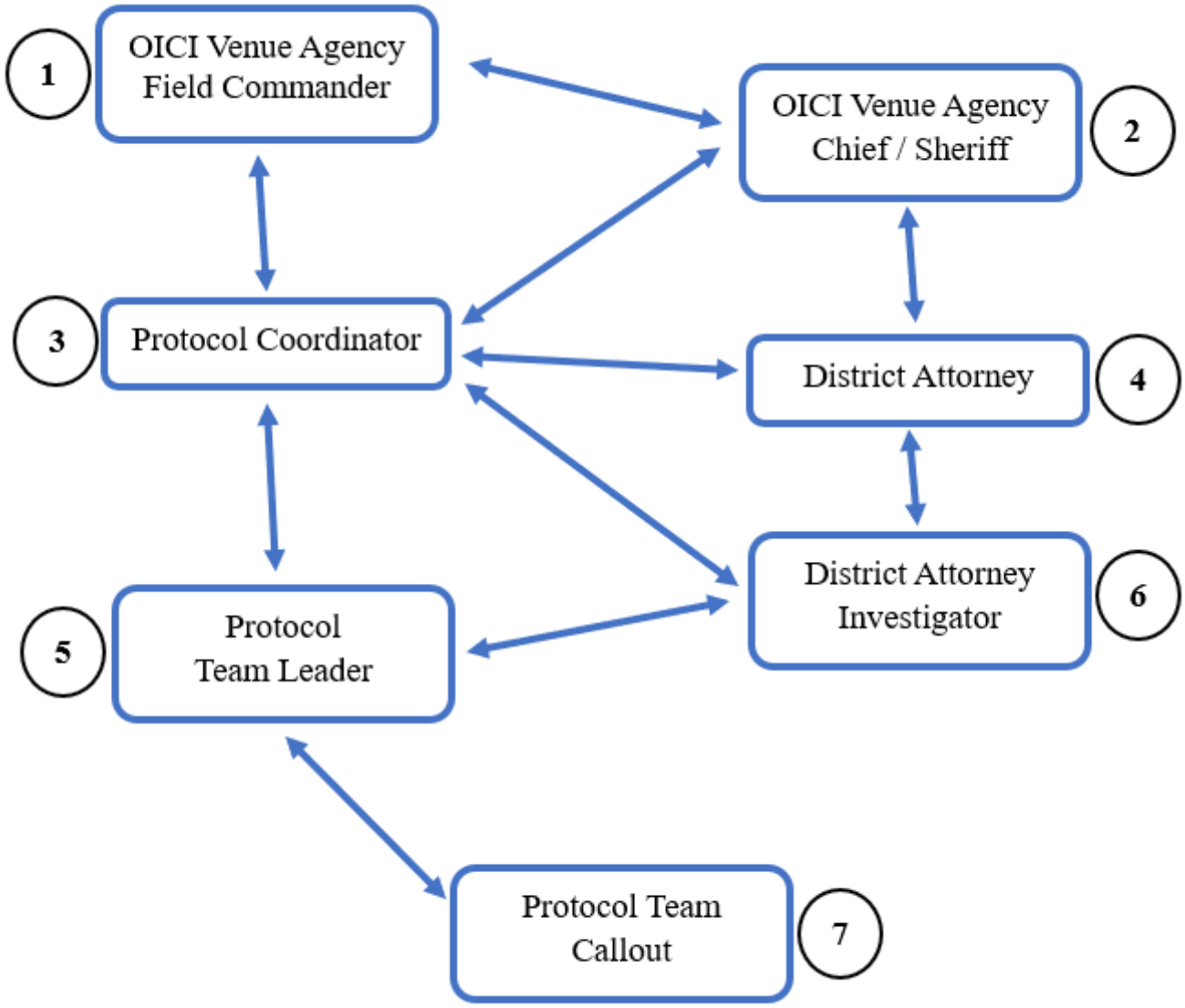
An Officer-Involved Critical Incident (OICI) involving a motor vehicle refers to situations where an officer or officers used a tactic or force that resulted in the death or serious bodily injury of subject(s) or other persons. In such cases, the Protocol Team Leader has the authority to request the assistance of the Venue Agency's Traffic Fatality Investigation Team or another agency's team for the purpose of assisting with the investigation of the OICI.

However, motor vehicle accidents that occur during pursuits, where death or serious bodily injury to the subject(s) or other persons occurs as a result of the subject(s) actions in fleeing, without an officer's vehicle being directly involved in actions that resulted in the crash, do not require an automatic invocation of this Protocol. The Venue or Employing Agency's Chief, Sheriff, or Agency Administrator may request an OICI investigation be conducted under the Optional Invocation clause for any such incident.

For motor vehicle incidents where this Protocol is not invoked, the agency with jurisdiction over the location where the incident occurred will be responsible for investigating the incident, including any subject(s) use of a motor vehicle causing serious bodily injury or death.

Any investigation conducted by an agency's Traffic Fatality Investigation Team under this Protocol will be secondary to the Protocol Investigation, and the Traffic Fatality Investigation Team will work under the guidance of the Protocol Team Leader or as directed by the Protocol Coordinator.

XIX. PROTOCOL ORGANIZATIONAL CHART



XX. CALLOUT FLOW CHART