

OFFICER INVOLVED CRITICAL INCIDENT PROTOCOL IN SANPETE COUNTY

This Officer-Involved Critical Incident Investigation Protocol in Sanpete County (“Protocol”) is hereby updated and amended to provide uniform procedures and mutually agreed upon rules in advance of any Officer-Involved Critical Incident (“OICI”) in order to promote and secure a transparent, orderly, and thorough response to the same.¹

I. DEFINITIONS

- a. Actively Involved Officers:** Officers as defined in Utah Code Ann. § 53-13-102 who are actively involved in an OICI as defined under Utah Code Ann. § 76-2-408 at the discretion of the Sanpete 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 Sanpete County Attorney or the 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. Dangerous Weapon:** means a firearm or an object that in the manner of its use or intended use is capable of causing death or Serious Bodily Injury to a person. *See* Utah Code Ann. § 76-2-408(a).
- g. 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.
- h. Incident:** An Officer-Involved Critical Incident as defined herein.
- i. Investigating Agency:** An independent law enforcement agency designated herein to investigate the 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 office in the OICI or SBI declines in writing to act hereunder, the County Attorney and participating agency hereby designate the Utah County Sheriff’s Office, the secondary conflict

¹ This Protocol is not a statute, ordinance, or regulation, and shall not increase the civil or criminal liability of Sanpete County or its employees, but rather is acknowledged and adopted to provide clarity and direction in moments of need.

Investigating Agency hereunder. Selection of the Investigating Agency will depend solely on available and timely response to an OICI and Sanpete County. All evidence collected because of an Incident shall be handled and processed by the Utah Crime Lab to the extent possible.

- j. **Officer-Involved Critical Incident:** An incident defined under Utah Code Ann. § 76-2-408, that occurs in Sanpete County:
 - i. a Law Enforcement Employee's use of Deadly Force;
 - ii. a Law Enforcement Employee's use of a Dangerous Weapon against a person who causes injury to any person;
 - iii. Death or Serious Bodily Injury to any person, other than the Law Enforcement Employee, resulting from a Law Enforcement Employee's:
 - 1. use of a motor vehicle while the Law Enforcement Employee is on duty; or
 - 2. use of a government vehicle while the Law Enforcement Employee is off duty;
 - iv. Either:
 - 1. the death of a person who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person's death; or
 - 2. the death of or Serious Bodily Injury to a person not In-Custody, other than a Law Enforcement Employee, resulting from a Law Enforcement Employee's attempt to prevent a person's escape from custody, to make an arrest or otherwise to gain physical control of a person.
- k. **Law Enforcement Employee:** Employees or certain other people affiliated with law enforcement agencies which are members of this Protocol as follows:
 - i. Fulltime, part-time, and hourly sworn officers; whether on or off duty, and acting for a law enforcement or private purpose at the time of the OICI;
 - ii. 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 direct control and supervision of a peace officer;
 - iii. Reserve law enforcement officers on-duty at the time of the OICI;
 - iv. In the judgment and discretion of the County Attorney, a Law Enforcement Employee may also include:
 - 1. Fulltime, nonsworn employees on-duty at the time of the OICI;
 - 2. Part-time nonsworn employees on-duty at the time of the OICI; and
 - 3. Any officer (as defined in Utah Code Ann. § 53-13-102) in the jurisdiction of Sanpete County at the time of the OICI including:
 - a. Law enforcement officers;
 - b. Correctional officers;
 - c. Special function officers; and
 - d. Federal officers.

- l. Participating Agencies:** Law enforcement agencies in Sanpete County who participate in this Protocol, including the Utah Department of Public Safety/State Bureau of Investigations and the Sanpete County Sheriff's Office, which may also be an Employer Agency or Venue Agency.
- m. Protocol:** This Officer Involved Critical Incident Protocol listed in the document herein.
- n. Serious Bodily Injury:** Bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death. *See* Utah Code Ann. § 76-1-601(17).
- o. 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.
- p. Subject:** Any person involved in an incident who may be criminally culpable or injured.
- q. 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 jurisdictional County Attorney or their representative shall designate the Venue Agency.
- r. Watch Commander:** The on-duty Sergeant or shift supervisor of the Venue Agency.

II. AUTOMATIC INVOCATION OF PROTOCOL

In the event an OICI occurs within the jurisdictional boundaries of Sanpete County, law enforcement employees at the scene, or if alone, shall immediately notify the Watch Commander. The Watch Commanders shall notify Law Enforcement Employees on the scene that this Protocol is automatically invoked. Law Enforcement Officers at the scene shall secure the scene. As soon as practicable, the Watch Commander shall notify the Sanpete County Attorney.

The Sanpete County Attorney shall confer immediately with the chief executive of the Venue Agency to jointly designate an Investigating Agency for the Officer-Involved Critical Incident. The Sanpete County Attorney and chief executive shall jointly designate which agency is the lead Investigative Agency if the Officer-Involved Critical Incident involves multiple jurisdictions. *See* Utah Code Ann. § 76-2-408(2)(b).

The Investigating Agency may not be the law enforcement agency employing the Involved Enforcement Officer who is alleged to have caused or contributed to the OICI.

Other Notifications: Upon identifying an occurrence as an OICI, the Venue Agency shall make the following notifications as promptly as possible:

- i.** Intra-agency officers, as required by that agency's procedures.

- ii. The Employer Agency, if applicable and if not yet aware.
- iii. The Office of the Utah Medical Examiner (“OME”) or OME Investigator, when a death has occurred.

III. OPTION INVOCATION OF PROTOCOL

Member Agencies may contact the Sanpete County Attorney to facilitate investigations relating to the conduct of law Enforcement Employees for other incidents as may be deemed appropriate and necessary by the Member Agency and County Attorney.

Each Member Agency, in the capacity of a Venue Agency or Employer Agency, may itself invoke this Protocol, upon the occurrence of any critical incident involving a Law Enforcement Employee, which may have possible criminal liability attached to the Law Enforcement Employee.

If a Law Enforcement Employee has Deadly Force used against them, and the officer did not use Deadly Force against a Subject, the Venue Agency may request the County Attorney’s Office or an outside agency to investigate the incident against the Subject. This investigation will be conducted as a normal investigation and will not fall under this Protocol.

The Sanpete County Attorney has discretion to decline participation in an optional invocation.

IV. INVESTIGATIVE AGENCIES AND RESPONSIBILITIES

The Investigating Agency shall appoint a Criminal Investigation Team and an Officer(s) Investigation Team to investigate the OICI. Administrative Investigations are optional to the Employer Agency. The Criminal Investigation Team shall conduct an investigation into criminal conduct of the Subject, if any. The Officer(s) Investigation Team shall conduct an investigation into the actions of the ILEO. The Criminal Investigation Team and the Officer(s) Investigation Team are co-equal within the investigation; however, the County Attorney has the ultimate authority to decide irreconcilable issues, or to assign priority.

The Administrative Investigation is conducted by the Employer Agency and addresses policy and procedural issues of the department. While the Criminal Investigation Team and Officer(s) Investigation Team 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.

V. VENUE DETERMINATION

When an OICI occurs in multiple jurisdictions, each of those jurisdictions is a Venue Agency. If for any reason, the lead Venue Agency cannot be determined, the County Attorney

or the Chief Prosecutor will determine and define the lead Venue Agency. If a Venue Agency or Employer Agency lacks sufficient resources, or when it believes it cannot properly investigate an OICI for another reason, it may either obtain criminal investigative assistance from other Member Agencies or relinquish criminal investigative responsibility to another Member Agency.

VI. SCENE SECURITY

Each agency has initial responsibility for securing crime scene(s) within its jurisdiction. Ultimate scene security is the responsibility of the Venue Agency. The Investigating Agency Crime Scene and Evidence Management Unit has the responsibility for documenting the scene(s) and for the collection, preservation and analysis of physical evidence for the criminal investigation of the subject and the protocol investigation of the law enforcement employee. If the Investigating Agency lacks the resources to adequately complete this responsibility, the Investigating Agency may defer to another Member Agency, the State Crime Lab, or a mutually agreed upon outside agency. Administrative Investigators shall have access to all collected evidence and tests.

If an employee of a Criminalistics Unit is involved in an OICI as an ILEO or as a Subject, that Criminalistics Unit will be disqualified from assisting in the investigation of the OICI. The Investigating Agency then has responsibility to arrange for assistance from another law enforcement member laboratory.

Prior to final relinquishment of the scene, the Criminal Investigation Team and Officer(s) Investigation Team will provide the Administrative Investigators an opportunity to assess the need for further evidence processing.

If a person is transported to a hospital, an officer (preferably from the Venue Agency), should accompany the person in order to:

- i. Locate, preserve, safeguard, and maintain the custody chain on physical evidence.
- 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.
- v. Be available for contacts with the injured person's family, if appropriate.

In shooting cases, the Supervising Officer will identify all ILEOs who have discharged a firearm and ensure that all discharged firearms are identified by owner and serial number. The Supervising Officer will document the condition of the inspected firearms.

VII. TRANSPORTING AND SEQUESTERING ILEOS

Law Enforcement Employees who were present at the time of the OICI, whether ILEOs or witnesses, will be relieved of their duties as promptly as possible and shall, if possible, be individually transported and sequestered.

The place of sequestration can be the office of a law enforcement agency, or a secure, confidential location designated by the Employer Agency command staff.

ILEOs shall not discuss their use of Deadly Force amongst themselves, fellow officers, or others, except their legal representatives. ILEOs, however, may give statements about public safety issues or the circumstances of the Criminal Investigation of the Subject.

ILEOs may call their spouses or family and notify them of their wellbeing. ILEOs may be joined in sequestration by a spouse, partner, family member, or Peer Support Officer but may not discuss the OICI with that person.

If an ILEO still has possession of the Weapon used in the OICI, the Investigating Agency shall obtain possession of the Weapon. If the Officer Investigation Team determines that the gun belt is necessary to the investigation, the Investigating Agency will arrange to secure the gun belt at the same time the Weapon is taken. Side arms of Law Enforcement Employees should be replaced as quickly as possible if the officer so wishes, unless circumstances dictate otherwise.

Collected Dangerous Weapons shall be placed in evidence with the Investigating Agency until all appropriate testing is accomplished.

VIII. IN-CUSTODY DEATHS

- a.** If the death of an In-Custody Subject occurs at the Sanpete County Jail or a police agency holding area, the Venue Agency is the agency having jurisdiction in that area.
- b.** If the death of an In-Custody Subject occurs outside the Sanpete County Jail, the agency having jurisdiction in the area will act as the Venue Agency.
- c.** In-Custody death scenes: When an OICI occurs in a correctional facility, a holding facility, or other location, and other inmates may be witnesses, those inmates should be identified, and if possible, separated pending interviews by the Criminal Investigation Team.

IX. INTERVIEWS

Law Enforcement Employees have the same rights and privileges as citizens, including the right to consult with legal counsel prior to interviews, and the right to have their lawyer present during an interview.

The Officer(s) Investigation Team's interviews of Law Enforcement Employees, witnesses, and Subjects shall be conducted with a Criminal Investigation Team investigator present unless otherwise agreed upon prior to the interviews. This interview does not have to be conducted immediately, but may occur at a later time giving the Law Enforcement Employee a chance to meet with their legal representative.

If and when the Officer(s) Investigation Team interview becomes custodial, the *Miranda* admonition is applicable and shall be read to the interviewee.

Agency policy and case law permit heads of law enforcement agencies to order their Law Enforcement Employees 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, Law Enforcement Employees will not be compelled by threats of administrative punitive action (or otherwise) to answer Officer(s) Investigation Team questions which could be self-incriminating.

Interviews of ILEOs will be conducted separately. Interviews will be recorded. Interviewees will be considered as witnesses unless the circumstances dictate otherwise.

X. INTOXICANT TESTING

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

- i. Obtain a blood and/or urine sample by consent.
- ii. Obtain a blood and/or urine sample incident to arrest.
- iii. Obtain a search warrant.
- iv. If a testee refuses to comply with the request for a sample, attempts will be made to obtain the sample in accordance with case law.

Intoxicant test results obtained by Officer(s) Investigation Team investigators are available to Administrative Investigators. In the event Officer(s) Investigation Team investigators do not obtain blood and/or urine samples for testing, the Employer Agency may then seek to obtain samples. The Officer(s) Investigation Team investigators have the first opportunity to obtain blood and/or urine samples.

Blood is best for alcohol testing, while urine is best for drug screening. Samples of both should be obtained for the most complete results. Samples should also be collected promptly after the OICI for most meaningful results.

A Law Enforcement Employee may volunteer to provide blood and urine for testing even if Officer(s) Investigation Team investigators and Administrative Investigators haven't obtained samples. Similarly, a person from whom Officer(s) Investigation Team investigators or Administrative Investigators have obtained samples may request that another sample be taken for independent testing. Such a request will be honored; however, the person volunteering this sample is responsible for the expense of the independent test.

XI. AUTOPSY.

The investigator from the Criminal Investigation Team shall attend the autopsy. The Medical Examiner performing the autopsy shall be provided with a complete briefing prior to the autopsy. This briefing will include all relevant information known at that time.

If/when the Medical Examiner agrees, the Criminal Investigation Team investigator shall assume responsibility for documenting and collecting physical evidence.

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 request has been expressed before the autopsy has begun.

XII. SANPETE COUNTY ATTORNEY'S OFFICE

The Sanpete County Attorney's Office numerous roles in Officer(s) Investigation Team investigations. The County Attorney's Office participates co-equally with the Venue Agency and Employer Agencies in the Officer(s) Investigation Team's investigation.

If requested, the County Attorney Investigator or other member of the Officer(s) Investigation Team will contact the on-call attorney to assist and advise the Officer(s) Investigation Team investigators on various legal issues.

Upon completion of the Officer(s) Investigation Team investigation, the County Attorney Investigator will analyze the facts of the OICI as well as relevant law to determine if violations of criminal laws exist. If so, the Investigator will prosecute as appropriate.

The County Attorney's Office will strive to complete its report and findings within five (5) days of the completion of the Officer(s) Investigation Team investigation. When appropriate, the County Attorney's Office may, at its discretion, give verbal clearance to the Employer Agency to assist the employee with returning to duty prior to a formally written

report. The Employer Agency has the ultimate authority to determine when the employee will return to duty.

The County Attorney has their own separate investigative authority. When deemed appropriate by the County Attorney, the County Attorney's Office may perform an independent investigation.

If the Officer(s) Investigation Team investigation results in criminal charges against a Law Enforcement Employee, the affiant on the Information filed by the County Attorney's Office shall be the County Attorney Investigator unless otherwise agreed upon by the agency administrators of the Officer(s) Investigation Team.

In the event criminal charges are filed, the Officer(s) Investigation Team shall conduct any additional follow-up investigation that is needed to prepare the case for trial shall be handled by the County Attorney's Office. Any Law Enforcement Employee assigned to the Officer(s) Investigation Team should make themselves available for trial preparation and court purposes.

XIII. REPORT WRITING

All reports will be forwarded to the Investigating Agency for coordination and insertion into the Investigating Agency's reporting format. Officer(s) Investigation Team investigators will decide which investigators responsible for writing a particular report. Officer(s) Investigation Team should not write more than one report an interview or event. Officer(s) Investigation Team should coordinate the writing of all report and sign off on the accuracy of the report. The Investigating Agency is responsible for the final report and submission of the same to the County Attorney's Office.

Prompt completion and distribution of reports is essential. All agencies and investigators will strive for report completion and distribution within 30 days after the OICI.

XIV. REPORTING WITHIN AGENCIES

The Employer Agency shall control the reports and findings of the Administrative Investigation. Interview statements, physical evidence, toxicology test results, and investigative leads which are obtained by Administrative Investigators after ordering Law Enforcement Employees to cooperate, shall not be revealed to Criminal Investigation Team investigators or Officer(s) Investigation Team investigators without the approval of the County Attorney's Office.

Officer(s) Investigation Team investigators will promptly and periodically brief the Administrative Investigator(s) of the Officer(s) Investigation Team's progress. The Administrative Investigators will have access to briefings, the scene(s), physical evidence, reports, and interviewees' statements.

XV. NEWS AND MEDIA RELATIONS

The Venue Agency (or in the case of two Venue Agencies, the lead Venue Agency) has the responsibility for making press releases about the OICI and its investigation. The Venue Agency public information officer (or the Venue Agency designee) should be kept informed about the details of the case in order to keep the news media informed. The Venue Agency should coordinate with the Sanpete County Attorney regarding the release of information. The Sanpete County Attorney may also make releases of information to members of the media, as appropriate.

If the Employer Agency is not also the Venue Agency, the Employer Agency should limit its comments to the following areas:

- i. The employer-employee relationship.
- ii. Information that has been cleared for release by the Officer(s) Investigation Team and the Sanpete County Attorney.
- iii. If the Officer(s) Investigation Team determines that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.
- iv. When the final report is delivered to the Employer Agency by the County Attorney's Office, the Employer Agency is responsible for the decision to release that report subject to their office policy and GRAMA requirements. The County Attorney's Office will not release the report unless required to by law or GRAMA requirements.

XVI. ACCESS TO REPORTS AND EVIDENCE

Material that is created or collected by, or at the request or direction of the Officer(s) Investigation Team, will be made available in a timely manner to those agencies that have an interest in the investigation-including the Criminal Investigation Team and Administrative Investigators.

The material will include written reports, access to the physical evidence, photographs, diagrams, and all recordings.

When the County Attorney's Office concludes that the physical evidence collected for the Officer(s) Investigation Team investigation is no longer needed for criminal law purposes, the Employer Agency and Venue Agency shall be notified of that decision so it can assume responsibility for preservation or disposal of such evidence as prescribed by law and departmental policy.

XVII. NO LEGAL OBLIGATIONS

This Protocol shall not be construed as creating any mandatory obligation to, or on behalf of, third parties.


XVIII. PUBLICATION

This Protocol, minus Appendices which contain non-public contact information for Member Agency members, has been publicly posted by Member Agencies in compliance with Utah Code Ann. § 76-2-408(5).

*****END OF PROTOCOL*****

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

SANPETE COUNTY SHERIFF'S OFFICE


Jared Buchanan (Jun 12, 2025 19:46 MDT)

JARED BUCHANAN
Sheriff

06/12/2025

Date

EPHRAIM POLICE DEPARTMENT



COLBY ZEEMAN
Chief

06/09/2025

Date

MT. PLEASANT POLICE DEPARTMENT



Steve Gray (Jun 13, 2025 12:52 MDT)

STEVE GRAY
Chief

06/13/2025

Date

GUNNISON VALLEY POLICE DEPARTMENT



Jason R Adamson (Jun 9, 2025 13:45 MDT)

JASON ADAMSON
Chief

06/09/2025

Date

FAIRVIEW CITY POLICE DEPARTMENT



Chief Gray (Jun 9, 2025 14:00 MDT)

LOGAN LUDVIGSON
Chief

06/09/2025

Date

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

SPRING CITY POLICE DEPARTMENT


Chad Huff (Jun 16, 2025 15:58 MDT)

CHAD HUFF
Chief

06/16/2025

Date

SNOW COLLEGE PUBLIC SAFETY



DEREK WALK
Chief

06/26/2025

Date

UTAH DEPARTMENT OF PUBLIC SAFETY

JESS L. ANDERSON
Commissioner

Date