

Item: 15-167
Fiscal Impact: _____
Funding Source: _____
Account #: _____
Budget Opening Required:

ISSUE:

Investigation of incidents and public transparency involving the use of deadly force by law enforcement in the State of Utah.

SYNOPSIS:

In an effort to increase transparency and public confidence in the use of deadly force by law enforcement in the State of Utah, the Utah State Legislature passed UTAH CODE ANN. § 76-2-408, which requires that every State and Local law enforcement agency adopt and post by December 31, 2015 the policies and procedures utilized to investigate an officer-involved critical incident.

BACKGROUND:

UTAH CODE ANN. § 76-2-408 (the“OICI Statute”) became effective on May 12, 2015 and sets forth requirements for the investigation of officer involved critical incidents (“OICI”) delineated in the statute.

The OICI Statute requires every law enforcement agency to adopt and post by December 31, 2015 - 1) the policies and procedure the agency has adopted to select the investigating agency that will investigate an OICI that occurs in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI; and 2) the protocols the agency has adopted to ensure that every OICI investigation conducted in its jurisdiction is conducted professionally, thoroughly, and impartially.

In response to the mandates established in UTAH CODE ANN. § 76-2-408, the law enforcement entities of Salt Lake County (hereafter referred to as “the Parties”) have determined that the formation of a Salt Lake County OICI Task Force (“OICI Task Force”) that will serve as the investigating agency for OICI’s that occur in Salt Lake County will ensure that any investigation of an OICI will be conducted professionally, thoroughly and impartially.

The Parties have determined that the OICI Task Force will be governed the Salt Lake County OICI Protocol (“OICI Protocol”) that the Parties have established to provide uniform procedures for the investigation of OICI’s.

The utilization of a Salt Lake County OICI Task Force to investigate OICI's is beneficial to the Parties, the citizens of Salt Lake County and the officers who are involved in OICI's.

The Utah Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 *et seq.*, 1953, as amended (the "Interlocal Act"), authorizes public agencies to enter into agreement to provide law enforcement services to one or more other public agencies.

RECOMMENDATION:

It is recommended that the Council approve this agreement.

SUBMITTED:

Lee W. Russo, Chief of Police