


# OGDEN CITY POLICE

## Office of the Chief

**Policy No: 59**

Subject	Effective Date
Officer Involved Critical Incident Review	February 2018
Department	Replaces Policy Dated
Police	December 2015
Division	Review Date
All Police Personnel	February 2024
Authorized Signature	
	

**NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

**I. PURPOSE**

This section outlines the functions and responsibilities of the Officer Involved Critical Incident Review and defines the procedures for reviewing, investigating, and reporting to the Chief of Police, cases in which officers discharge a firearm, or uses deadly force.

**II. POLICY**

It is the policy of Ogden Police Department to review every instance in which an officer uses deadly force, to include when a firearm is discharged, whether or not such discharge results in an injury or death. The Officer Involved Critical Incident Review should review every discharge of a firearm by an officer. (Exceptions to this review may include the intentional shooting by an officer of an aggressive animal or the intentional shooting of an animal for humane reasons.) The purpose of this review process is to ensure that the department is continually reviewing its training, policy, and procedures in light of the circumstances that lead to firearm discharge, or the use of deadly force by officers, and to determine if the discharge, or the use of deadly force was in policy. This review is not a criminal investigation, and these reports are protected documents owned by the Ogden City Police Department and are not discoverable documents.

### III. DEFINITIONS

Officer-involved shooting:

An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

Officer-involved discharge:

An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also fall into this category, including an accidental discharge that does not cause injury.

Deadly Force

As defined in Utah Criminal Code 76-2-404, Peace officer's use of deadly force.

### IV. COMPOSITION

The Officer Involved Critical Incident Review shall be composed of:

- a. The Training Lieutenant
- b. The Major Crimes Detective Sergeant
- c. A supervisor, who will be appointed by the Chief of Police, or the Chief's designee, at the time of the shooting

It will be left up to the discretion of the duty officer whether or not to call the members of the Officer Involved Critical Incident Review to the scene of the incident. If, for any reason, the person serving in these positions is not available, the Chief of Police, or his designee, will appoint another supervisor to the review board.

### V. FUNCTION

Instances where police officers shoot a citizen, or use force that results in death, are the most traumatic to the police officer, the public, and to the potential image of the police agency. When a police officer is involved in a situation where deadly force is used, an investigation normally follows to avoid the impression of misconduct and issues concerning whether the amount of force was justified, and to maintain the creditability of law enforcement actions. The investigation also seeks to identify potential errors in policies, supervision, or training. This investigation constitutes a post-incident review of the officer's actions.

- a. Upon notification by the Duty Officer, the Training Lieutenant shall convene the Officer Involved Critical Incident Review to ultimately determine whether the use of force was within policy. The Officer Involved Critical Incident Review, shall report the status of the matter to the Chief of Police as soon as possible after the Officer Involved Critical Incident Review is convened. This status report will contain preliminary information to assist the Chief of Police to either begin the process of returning the officer to work or maintaining administrative leave.
- b. It will be the responsibility of the Officer Involved Critical Incident Review for the following:
  - i. To gather and review all reports, attachments, and statements submitted by the Weber County Attorney's Office, the Weber County Homicide Task Force, the Ogden City Police Department, the Medical Examiner's Office, the duty officer, and any other available evidence statements, including statements from other agencies, officers, and citizens.
  - ii. To gather, record, and review any other information and evidence (pertinent to the use of force) to help determine if the actions of the officer(s) involved were within policy.
- c. Within 14 days following receipt of all investigatory reports from the Weber County Attorney's Office, the Officer Involved Critical Incident Review shall complete its investigation and issue its findings to the Chief of Police:
  - i. In Policy - The actions of the officer in response to the circumstances leading to the discharge of his/her firearm, or the use of deadly force, were appropriate and consistent with department policy.
  - ii. Not in Policy - The discharge of the firearm, or the use of deadly force, was not appropriate under the circumstances and was not consistent with department policy.

These findings shall also include a review of applicable department policy, lack of department policy, and recommendations for further policy adoptions.

- d. The Officer Involved Critical Incident Review report is not intended to duplicate the criminal investigation, it is to determine if the officer involved shooting, or use of deadly force was within policy.
- e. The Chief of Police and his staff will review the report of the Officer Involved Critical Incident Review and will make final determination whether the use of deadly force was in accordance to Ogden Police Department Policies and if any disciplinary action should be taken.
- f. The Officer Involved Critical Incident Review will not include themselves in any part of the criminal investigation of the officer involved incident but will cooperate with the investigation. Ogden Police Department officers and investigators may be involved in the criminal and administrative investigation.
- g. The above-stated procedures will be followed in investigating all applicable firearm discharges. The only exception may be when an officer shoots an aggressive animal, or the officer shoots an injured animal with prior approval of the duty officer. In this instance, the duty officer will be required to submit a written memo reporting the incident to the Chief and the officer's division commander. Any failure to report a discharge of a weapon by either the officer involved, or the duty officer, will result in disciplinary action.
- h. An internal investigation into an Ogden Officer's use of deadly force while assigned to the Ogden Weber Metro SWAT Team, Ogden Weber Narcotics Strike Force, or any other multi-jurisdictional team may be handled by a collaborative team comprised of representatives from other involved jurisdictions. In each case that involves an Ogden Officer there will be an Ogden representative on that team. (In all cases, and if desired, the Chief of Police reserves the right to solely investigate each deadly force encounter involving an Ogden City officer.)
- i. The Chief of Police has the ultimate decision as to whether the Officer Involved Critical Incident Review will review an officer involved discharge of a firearm, or any deadly force encounter.