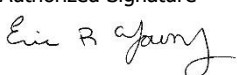


# OGDEN CITY POLICE

## Office of the Chief

**Policy No: 03**

Subject	Effective Date
Use of Force and Firearms	March 13, 2023
Department	Replaces Policy Dated
Police	June 29, 2022
Division	Review Date
All Police Personnel	June 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**

The purpose of this policy is to establish guidelines on the use of deadly and non-deadly force and to establish guidelines for reporting procedures.

**II. POLICY**

This department recognizes and respects the value of all human life. Investing police officers with the lawful authority to use force to protect the public welfare requires a careful balancing of all human interests. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The officer's responsibility for protecting life must include the officer's own life, as well as that of other officers and other persons involved in an incident. Therefore, it is the policy of this department that police officers will use force which is reasonably necessary, in accordance with the standards of *Graham v. Connor* and other applicable case law, to effectively bring a situation under control while protecting the life of the officer or another.

**III. DEFINITIONS**

- A. Non-deadly Force: Any use of force other than that which is considered deadly force.
- B. Deadly Force: Any use of force intended or likely to cause death or serious bodily injury as defined in Section 76-1-601 (17) U.C.A.

#### IV. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- A. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- B. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers vs. subjects).
- C. Influence of drugs/alcohol (mental capacity).
- D. Proximity of weapons.
- E. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- F. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).
- G. Training and experience of the officer.
- H. Potential for injury to citizens, officers, and suspects.
- I. Risk to persons if the subject escapes or during the act of escaping.
- J. Other exigent circumstances.

#### V. DUTY TO INTERCEDE

Any OPD Officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law will promptly report these observations to a supervisor.

#### VI. PROCEDURE

- A. Resistance/Use of Force

Use of force becomes necessary when an OPD officer, in the lawful performance of the officer's duties is met by resistance from a suspect. The

following categories are likely examples of resistance/use of force. These are examples only and do not include all possible levels of resistance.

1. **Non-Resistant Compliance:** The suspect complies with an officer's requests for custodial arrest, e.g., suspect places hands behind back when requested and offers no resistance throughout the custodial process.
2. **Passive Resistance:** The suspect does not offer any physical resistance, however; the suspect will not comply with the officer's lawful orders. Passive resistance could include when a suspect "goes limp" or walks away from the officer.
3. **Active Resistance:** The suspect flees, pulls, or pushes away from the officer but does not strike at or attempt to injure the officer. The suspect stiffens his/her body (arms, legs, back) making searching or handcuffing the suspect more difficult. It also includes the suspect's use of non-compliant language, including derogatory terms and profanity.
4. **Active Aggression:** The suspect strikes, assaults, or prepares to strike or assault any officer or other person, including himself or herself. This includes spitting on the officer.
5. **Deadly Active Aggression:** The suspect threatens the officer with an object, or the nature of the suspect's aggression is so active and extreme that an officer fears their personal safety, or the safety of others is at risk.

## B. Force Options

When a use of force is necessary police officers will use the amount of force necessary to safely control the situation. Nothing in these guidelines requires an officer to begin at the lowest level of force and advance through each level. Upon assessment, an officer should make a judgement based on the incident as it is occurring and initiate reasonable force at a level consistent with the type of resistance met.

The following are broad categories of force available to the officer:

1. **Verbal persuasion, presence, or appearance:** For dealing with non-resistive compliant suspects. To convince passive resisters to become non-resistive and compliant.
2. **Empty hand soft techniques:** Department approved arrest control techniques and escort control holds. For dealing with passively

resistant suspects and to help position non-resistant compliant suspects for searching and handcuffing.

3. Department approved arrest control techniques, department approved aerosol defensive tools (ADT), and Taser drive stun used to defeat active resistance and/or to stop the suspect from escalating to a higher level of resistance or aggression.
4. Empty hand hard techniques and Electronic Control Devices (Taser), department approved punches, strikes, kicks, and takedowns and other Department-approved Defensive Tactics Techniques; Taser air cartridge: To defeat active aggression toward an officer or another involved person or where the use of force at other levels fails to stop active resistance and a different type of force is necessary to gain control of the suspect.
5. Department approved impact weapons: Batons, ASPs, and extended range kinetic energy impact devices (12 gauge). To defeat active aggression. The use of the Lateral Vascular Neck Restraint (chokehold) is prohibited. Kneeling on a suspect's head, neck, or throat by an officer is prohibited.
6. Department approved firearms or other applications of deadly force as defined in Section IV of this policy: To prevent, or respond to, the use or imminent use of deadly force by a suspect.

C. Parameters for Use of Non-deadly Force

1. Statutory Guidelines

U.C.A. 76-2-402. Force in Defense of Person:

*(1) A person is justified in threatening or using force against another when and to the extent that he reasonably believes that force or a threat of force is necessary to defend the person or a third person against another person's imminent use of unlawful force; however, a person is justified in using force which is intended or likely to cause death or serious bodily injury only if the person reasonably believes that force is necessary to prevent death or serious bodily injury to the person or a third person, as a result of another person's imminent use of unlawful force, or to prevent the commission of a forcible felony.*

*(2) A person is not justified in using force under the circumstances specified in Subsection (1) if the person:*

*(a) initially provokes the use of force against the person with the intent to use force as an excuse to inflict bodily harm upon the assailant; or*

*(b) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; unless the use of force is a reasonable response to factors unrelated to the commission, attempted commission, or fleeing after the commission of that felony; or*

*(c) was the aggressor or was engaged in a combat by agreement, unless the person withdraws from the encounter and effectively communicates to the other person his intent to do so and, notwithstanding, the other person continues or threatens to continue the use of unlawful force.*

U.C.A. 76-2-401 Justification as a Defense - When allowed.

*(1) Conduct, which is justified, is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:*

*(a) When the actor's conduct is in defense of persons or property under the circumstances described in Sections 76-2-402 through 76-2-406 of this part.*

*(b) When the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee.*

*(c) When the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis, as limited by Subsection (2).*

*(d) When the actor's conduct is reasonable discipline of persons in custody under the laws of the state; or*

*(e) When the actor's conduct is justified for any other reason under the laws of this state.*

*(2) The defense of justification under Subsection (1)(c) is not available if the offense charged involves causing serious bodily injury, as defined in Section 76-1-601, serious physical injury, as defined in Section 76-5-109, or the death of the minor.*

2. U.C.A. 77-7-6 through 77-7-8

D. Parameters for Use of Deadly Force

1. Statutory Guidelines

76-2-404. Law enforcement officer use of deadly force:

1) As used in this section:

a) "Deadly force" means force that creates or is likely to create, or that the individual using the force intends to create, a

substantial likelihood of death or serious bodily injury to an individual.

- b) "Officer" means an officer described in Section 53-13-102.
  - c) "Serious bodily injury" means the same as that term defined in Section 76-1-601.
- 2) The defense of justification applies to the use of deadly force by an officer, or an individual acting by the officer's command in providing aid and assistance, when:
- a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-113(2), (3), or (4);
  - b) effecting an arrest or preventing an escape from custody following an arrest, if:
    - i. the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
    - ii. (A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or  
(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or
  - c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.
- 3) If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (2)(b) or (2)(c).

2. Use of Deadly Force to Stop Suspect's Use of Deadly Active Aggression

The purpose of the use of deadly force is to prevent the suspect from endangering the lives of others by the use, threatened use, or imminent use of force likely or intended to cause death or serious bodily injury. When using a firearm, the officer will fire his or her weapon as trained by the department, which is to fire at the suspect's "center of mass" and continue firing until the suspect no longer poses a threat. When repeated rounds have failed to neutralize the threat, or when the nature of the threat is so imminent that immediate incapacitation of the suspect is required, officers may fire at the suspect's head. This decision rests solely with the officer in the field and faced with the situation at the time it is occurring. When a means other than a firearm is used to apply deadly force, the same purpose applies, i.e., to eliminate the suspect's ability to endanger the lives of others by the use threatened use or imminent use of force likely or intended to cause death or serious bodily injury.

3. Juveniles

No distinction will be made relative to the age of the intended target of deadly force. Law and policy are the only considerations for the use of deadly force.

4. Shooting At or From Moving Vehicles

Officers will not discharge a firearm at or from a moving vehicle unless the use of deadly force meets the requirements of U.C.A. 76-2-404 and both of the following requirements can be met:

- a. The officer reasonably believes the projectile will not strike any person other than the suspect.
- b. The risk of the suspect vehicle going out of control after deadly force has been used is less than the risk of the suspect not being taken into custody immediately.

5. Warning Shots

A firearm will not be discharged as a warning.

6. Shots to Destroy Animals

The killing of an animal is justified for self-defense, to prevent substantial harm to the officer or another by the animal, or when an animal is so badly injured that humanity requires its relief from further suffering. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request

assistance from the agency (Animal Control, Wildlife Resources, etc.) responsible for the disposal of animals. The destruction of vicious animals should be guided by the same law and policies regarding the use of force.

E. Pranks (Horseplay)

Pranks with firearms are strictly forbidden.

F. Drawing of Firearm

Except for general maintenance, storage or authorized training, officers will not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.

G. Surrendering of Firearms

Officers will not surrender their firearms.

H. Leaving firearm unattended

Members of this department shall not place or leave unattended any firearm or other weapon under their control, except where the place of storage is locked.

Members of this department shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

I. Lending Firearms

An officer of this department will not sell, give, lend, or otherwise dispose of any firearm issued by this department. This rule does not apply to emergency situations where a police officer of the department lends their firearm to another authorized member of this department, to a person who has been summoned to assist in making an arrest or preserving the peace, or when the officer is physically incapacitated and such lending is necessary for the threat to the life of the officer or others to be immediately ended.



J. Tampering with Police Firearms

1. Police officers will not make any changes, alterations, or additions of any kind to any department-issued firearm or personally owned firearm used for duty without prior approval of a department armorer.
2. All repairs and adjustments to department-owned firearms or personally owned firearms used for duty will be made only by the departmental armorer, or by a department approved reputable civilian armorer. If any changes, alterations, or additions are made to personal firearms by a department approved reputable civilian armorer, they must then be inspected and documented by the department armorer. The officer must then qualify on the weapon in that new configuration before authorized for use on or off duty.
3. Detailed and complete maintenance records must be kept on all OPD firearms and those used by OPD employees as police firearms. All firearms will be serviced and checked by the department armorer periodically at the discretion of the Chief of Police or armorer.
4. If repairs are needed between regular service checks, officers will contact the department armorer.

K. Safe Handling, Inspection and Storage of Firearm

Members of the Ogden City Police Department, sworn and civilian, shall maintain the highest level of safety when handling firearms and shall consider the following firearm safety rules:

1. Treat all firearms as if they were loaded.
2. Never point your firearm at anything you're not willing to destroy.
3. Keep your finger off the trigger until your sights are on the target.
4. Always be sure of your target and what is in front, to the sides, and behind the target.
5. Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Firearms Instructors.

6. Members shall not load or unload a firearm anywhere in the Department, except where clearing barrels are present. Cleaning or repair of a firearm shall only be completed in a department designated firearms cleaning or repair area.

L. Aerosols, Tear Gas-Type Sprays and Similar Devices, and Electronic Incapacitation Devices

All officers, Community Service Officers, Reserve Officers, and other employees authorized by the Chief of Police, who have completed the approved training and certification course, are authorized to carry, and use Def-Tec First Defense Models MK III and MK IV aerosol canisters, and/or the Department-approved Electronic Control Device. Other aerosol defensive products, tear gas and antipersonnel sprays, and/or electronic incapacitation devices are authorized for use by the Ogden Metro SWAT team members in tactical situations at the direction of the tactical commander. Officers will carry only department issued canisters or Tasers bearing the serial number assigned to the officer. It will be the duty of the department property technician to track the life of issued canisters and Tasers and replace them, as necessary. Recertification for aerosols, tear gas-type sprays and similar devices are on a biennial recertification basis. Recertification for ECDs/Tasers shall occur annually.

M. Impact Weapons

Only those officers who have completed the approved training and certification courses are authorized to carry a baton or use extended range kinetic energy impact devices. Those officers interested in carrying the straight/expandable baton will be required to attend an initial certification course in the use of the straight/expandable baton. An annual recertification course will be required. The impact weapons authorized for use by officers of the Ogden Police Department are:

1. The LAPD style straight stick, made of hardwood, 26" to 31" in length, 1-1/16" to 1-1/4" in diameter, 18 to 24 ounces in weight, smooth finish, no grooves, holes or lanyards, no shellac or varnished finish.
2. Expandable baton, "ASP" style, 16" to 31" in length, steel, and no Airweight or DuraTec models for uniform use.
3. Department-approved extended range kinetic energy impact devices, i.e. 12-gauge beanbag rounds.

N. Carrying of Less-Lethal Weapons Off Duty

1. The Ogden City Police Department allows the carrying of department issued, less-lethal weapons by its officers while off duty. All conditions related to training, certification and reporting the use of the less-lethal weapon must conform to the requirements of this policy. An incident involving the use of a department issued, less-lethal device in an off duty setting requires the same investigation as if it were an on duty critical incident.
2. The off-duty less-lethal weapon will not be worn in such a way as to be conspicuously exposed to view.
3. Whenever an officer voluntarily plans to and/or does become involved in a situation where the officer's judgment, balance, coordination, or reasoning ability becomes inhibited, impaired or the officer's normal performance in any other way becomes altered or affected, the officer will not carry a less-lethal weapon(s).

O. Equipment in Arsenal

Extra and special weapons are stored in the department arsenal. This arsenal will be locked at all times and will be a limited-access area. Only authorized personnel will be allowed to remove and use any equipment stored in the arsenal. This permission may only come from the Chief of Police or, in the Chief's absence, from the Division Commander or Watch Commander.

P. Authorized Firearms - On Duty

The official pistol of the Ogden City Police Department for all police officers, including Reserve Officers, will be as follows:

1. Glock Model 17 pistol, as supplied by the department.
2. Glock Model 17 or 19 pistol for Uniform officers, or Glock Model 17, 19, or 26 for plainclothes assignments, as purchased by the individual officers.
3. Officers working in an authorized undercover capacity will be permitted to carry the sidearm of their choice, as long as they are qualified with the sidearm.
4. Ammunition: As furnished by the department.

5. Pistol Lights: As furnished by the Department after July 1, 2018. Pistol lights are optional for use on the duty pistol.
  - a. Officers utilizing the pistol light must meet the certification requirements contained in the firearms training course for the use of a pistol light.
  - b. Personally purchased pistol lights are not allowed after July 1, 2018.
  - c. Pistol lights will be of a design that can only be activated by the support hand thumb, and the design of the light will only allow an "on/off" switch. Intermittent light or pressure switches are prohibited.

Q. Carrying of Firearms On Duty

While on duty, officers will carry their duty pistol with a fully loaded magazine and a round in the chamber. Uniformed officers will carry two fully loaded magazines and plainclothes officers must carry at least one extra magazine, fully loaded. Pistols will be carried on the person in an approved holster, regardless of whether the officer is in a uniform or plainclothes assignment. Pistols will not be worn slipped into the waistband, pocket, or any other clothing area. The only exception will be those officers acting in an authorized undercover capacity.

The Chief's Office will maintain a list of approved holsters for on and off-duty use. Only approved holsters will be used on or off-duty.

R. Firearms on Airlines

In order to comply with federal law and the individual air carrier regulations, the following will be the policy of the Ogden Police Department:

1. An Ogden police officer will not carry a weapon concealed or unconcealed on an aircraft. This includes firearms, clubs, blackjacks, or knives. When transporting a prisoner, handcuffs and other restraints may be used according to the policy of the airline.
2. If circumstances prevail where it is necessary for the officer to have a firearm at the officer's destination, the following guidelines must apply:
  - a. The weapon must be unloaded.
  - b. The weapon and ammunition must be locked in a hard case.
  - c. The hard case must be checked with other luggage and the ticket agent informed.

- d. The officer must have picture identification and show it on request.

S. Shotguns

1. The Ogden City Police Department utilizes shotguns exclusively as a less-lethal option except as noted in section 4 below.
2. Shotguns may be issued by the department, but Officers may purchase their own shotguns to carry. Shotguns must be pump action police service style and must be inspected and approved by the department armorer. The officer must qualify with the shotgun before carrying it and must use only department issued less-lethal ammunition.
3. All officers utilizing a shotgun while in performance of their duties will carry the weapon with a fully loaded magazine but will not have a round in the chamber. A round will only be chambered when the shotgun is readied for immediate use. Supervisors are responsible for conducting regular safety checks on shotguns and shotgun ammunition, to ensure there are no live rounds in the shotgun or in the officer's vehicle.
4. This section does not preclude the carrying of shotguns by SWAT team members as outlined in the SWAT section of this policy manual under "Specialized Equipment."

T. General Purpose Police Rifle (GPPR)

1. Semi-automatic AR-15 government model or similar variant rifle having a barrel length of no less than 16", unless the rifle is an approved Short Barreled Rifle (SBR). The rifle must be chambered for .223 caliber and all rifles must be inspected and approved by the department armorer. Calibers other than .223 may be approved by the Chief of Police and the rifle must meet all other requirements. No fully automatic weapons or similar modification are allowed.
2. Rifles will be equipped with standard military style illuminated dot systems as approved by department armorer. Telescopic sights and laser sights will not be used.
3. All rifles will be equipped with a two-point tactical sling.
4. All rifles will be equipped with a minimum of two magazines.

5. Only department issued .223 caliber ammunition will be carried in the rifle. In the case of another approved caliber, the duty ammunition must be approved by the department armorer and supplied by the officer. The department will supply .223 ammunition for training and qualification, officers with an approved alternate caliber will provide their own training ammunition which has been approved by the department armorer.
6. Participation in the program is voluntary. Officers may be issued a department rifle when available. Officers who wish to participate in the program may procure an approved weapon and all required equipment at their own expense. All weapons declared for use in this program must be inspected, approved, and registered by the department armorer. Any repairs required for safety and serviceability of the weapon will be the responsibility of the participating officer. If a rifle has been removed from service due to needed repairs, it must be inspected again by the armorer before returning the weapon to service.
7. GPPRs must be secured in such a manner as to preclude theft or misuse.
8. Officers participating in this program must attend and successfully complete a department approved training and qualification course. Requalification must occur annually.
9. Nothing in this policy will preclude the use of weapons by the SWAT Team as outlined in the SWAT section of this policy manual under "Specialized Equipment."

#### U. Carrying of Firearms Off Duty

1. The Ogden City Police Department recommends the carrying of firearms off duty by its officers while meeting the conditions of this policy. If an officer elects to carry a department-issued or personally-owned firearm off duty, the firearm, caliber, and ammunition must conform to the standards set by the department under "Authorized Firearms – Off Duty" of this section, and the officer must qualify on the pistol range with that particular firearm. All firearms that the officer carries must be registered with the Chief's office after being inspected and approved by the department armorer. An officer who elects not to carry a handgun while off duty will not be subjected to disciplinary action if an occasion should arise in which the officer could have taken police action if the officer were armed. Off-duty officers, while operating a department vehicle, will be armed with an approved weapon and with a department radio.

2. All rules pertaining to loading or firing the firearm while on duty will also apply to an officer while off duty. The off-duty firearm will not be worn in such a way as to be conspicuously exposed to view.
3. Whenever an officer voluntarily plans to and/or does become involved in a situation where the officer's judgment, balance, coordination, or reasoning ability becomes inhibited, impaired or the officer's normal performance in any other way becomes altered or affected, the officer will not carry a firearm(s).
4. The following calibers are authorized for off-duty use by sworn, full-time officers of the Ogden Police Department. Calibers are .380 ACP, .38 Special +P and +P+, 9mm, .357 Sig, .40 and .45. All off-duty firearms must be approved by the OPD firearms staff prior to its use as an off-duty firearm.
5. Whenever carrying a firearm while off duty, the officer will also carry a badge and identification card. The badge and ID will be carried in such a manner as to be quickly and easily displayed when needed.
6. Officers are encouraged to carry their duty weapon when off duty, however, officers may carry off duty the sidearm of their choice if the weapon falls under the parameters of Paragraph 4 of this section and the following is adhered to:
  - a. After the firearm has been properly registered with the department.
  - b. After the officer has qualified with that firearm on the pistol range.
  - c. The officer will furnish the ammunition for this qualification shoot.
  - d. The Officer recognizes all rules and regulations pertaining to firearms also apply to off-duty weapons.
7. Peace officer powers of the Ogden City Police Department do not extend outside of the State of Utah except as provided for in the Uniform Act on Fresh Pursuit. Officers who are outside of the boundaries of this state and not on official police business must abide by the laws governing the carrying of firearms by individual citizens in that particular state.

V. Use of Deadly Force and Firearm Discharge Reporting and Investigation Procedure

The following investigative procedure will be followed whenever an officer discharges any firearm or is involved in an incident involving the use of deadly force as defined in section III of this policy and includes the shooting

of an aggressive animal. The only exceptions would be the discharge of a firearm during scheduled firearms training, target practice, hunting during the legal season, or the intentional shooting of an injured animal. However, the Chief of Police, or the Chief's designee, can order this investigation procedure be followed in any discharge of a firearm by an officer.

1. Any officer who discharges a weapon will, as soon as possible, notify the officer's sergeant of the incident. In any case where the shooting has caused injury or death to any person, the officer will summon medical assistance and render necessary first aid. An Officer may render first-aid but is not required to do so. Though the injury may appear to be fatal, the person shot should be handcuffed, when practical, to reduce the potential threat to officers or civilians. The injured person will be treated by paramedics as quickly as possible, even if the person may appear to be deceased. Individuals may be declared deceased only by responding medical personnel. The Watch Commander will go to the scene as soon as possible to secure the scene. Any officer or supervisor at the scene will have the same responsibility of protecting the scene.
2. In any case where a weapon is discharged by an officer, the Watch Commander will have the responsibility to see that the Chief or Acting Chief and the officer's Division Commander are notified as soon as possible. In cases involving injury, the use of deadly force, or death to any person, the County Attorney will also be notified. The County Attorney will initiate an investigation per the Officer Involved Critical Incident Protocol. All supervisors and officers will be expected to cooperate in this investigation. In such cases the internal investigation may be delayed pending the conclusion of the outside investigation.
3. In all cases, the Watch Commander will notify members of the Deadly Force Review Board to determine whether an immediate response is required. If, for any reason, the persons serving in these positions are not available, the Chief of Police, or the Chief's designee, will appoint another supervisor to the review board.
4. It will be the responsibility of the Watch Commander, or the Sergeant in charge if the Watch Commander is unavailable, to protect the crime scene, invoke the Officer Involved Critical Incident Protocol by notifying the appropriate person at the Weber County Attorney's Office, and initiate a "Public Safety" interview with the officer(s) involved in the shooting as required by the circumstances. (See Public Safety attachment.) The Watch Commander will transfer responsibility for the scene and the investigation to the Officer Involved Critical Incident Protocol, when appropriate.



5. The ranking officer present will immediately assign an officer to escort, observe, and provide support to the involved officer. In no circumstance should the officer be allowed to be alone, and care must be taken to keep officers separated if more than a single officer is involved. In no case will the involved officer(s) be treated as suspect(s), and they will not be placed in a room generally used for the interview or interrogation of suspects. In consultation with the Weber County Officer Involved Critical Incident Protocol team the officer(s) involved in the shooting will be removed from the scene as soon as practical and taken to an appropriate safe place.
6. The Watch Commander will coordinate with Work-Med to ensure the officer(s) directly involved in the shooting submit to a Fit-for-Duty evaluation as soon as possible.
7. The Watch Commander will coordinate with the Weber County Officer Involved Critical Incident Protocol team prior to releasing the officer and placing the officer on administrative leave. If an officer removes themselves without approval from the Watch Commander, the officer will be subject to disciplinary action.
8. It will be the responsibility of the Watch Commander to issue a loaner weapon (and ammunition) to the officer(s) involved in the shooting, as soon as possible, after the officer's weapon has been collected as part of the investigation by the Weber County Officer Involved Critical Incident Protocol team.
9. The Watch Commander will submit a preliminary internal memo of the incident to the Chief of Police and the Officer's Division Commander before the Watch Commander goes off duty. This report will include the circumstances surrounding the incident, to the extent known at that time, including officer's assignment, type of incident (aggravated robbery, etc.), how the officer became involved (on scene, dispatched, etc.), and the results of the shooting (fatal wound, miss, damaged property). This report will also contain the names of all persons involved in the incident if known. In addition, the Watch Commander will include all information obtained in the "Public Safety" questionnaire.
10. The involved officer(s) will be placed on Administrative Leave with pay. The officer(s) will remain on Administrative Leave until the Deadly Force Review Board investigation has been completed and/or until returned to duty by order of the Chief of Police. In all cases, the Watch Commander will immediately place the officer(s) involved on Administrative Leave with pay before releasing the officer(s) from the police station.

11. The officer(s) will be expected to cooperate with the Weber County Officer Involved Critical Incident Protocol team and will make himself/herself available within 72 hours after the shooting for a formal statement. In-the-event, an officer requires more recovery time, the officer will contact the Chief of Police or the Chief's designee to discuss the circumstances surrounding the extension and the Chief of Police will make the final decision as to an appropriate time extension. An officer has the right to consult with an attorney before making any statement. This requirement is not intended to supersede an officer's Fifth Amendment rights. After consultation with an attorney, an officer can make a decision on how to proceed when the officer arrives to make a statement. However, the "Public Safety" statement may be required at the scene in the interest of the officer(s) and the public's safety. In addition to the officer being required to complete a "Public Safety" statement, the officer may be required to provide basic information to support a probable cause statement for arrest and to assist with the decision whether to charge the suspect(s).
12. Any attempt by the officer to conceal or destroy evidence will result in termination of employment.

W. Supervisor Review of Critical Incidents

An on-duty supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by the Department in the following situations:

1. When a use of force results in death or serious injury.
2. When a subject complains that an injury has been inflicted due to an officer's actions.
3. When a person has been struck by an officer or by any equipment under the officer's control or bitten by a Department Police Service Dog (K-9).
4. When any property has been destroyed during the course of an arrest, serving a warrant, performing a rescue, etc.
5. When an Officer uses an aerosol defensive tool (ADT) in an arrest or incident.
6. When an officer aims an Electronic Control Device (ECD) at an individual or activates the device to gain compliance and:
  - a) Points the ECD laser at the individual or,

- b) Displays the ECD electrical current or,
- c) Discharges the ECD probes

The only exceptions would be during department approved training events and controlled spark testing of the device.

- 7. When an Officer intentionally or unintentionally points a firearm at an individual.

## VII. Administrative Review of Critical Incidents

- 1. All reported uses of force will be reviewed by the officer's Sergeant and an After Action Report (AAR) filed in the appropriate Use of Force tracking software program. The AAR will be submitted through the officer's chain of command. The complete investigation and approved AAR will be submitted to the Deputy Chief of Police on or before 14 days of the reported incident. If additional time is required to complete the AAR, written approval must be given by the Division Commander. The Deputy Chief of Police will review the completed AAR for final resolution and/or discipline. An administrative review should determine whether:
  - a. Departmental rules, policy or procedures were violated.
  - b. The relevant policy was clearly understandable and effective to cover the situation.
  - c. Departmental training is currently adequate.
- 2. All Use of Force incident reports will be retained as required by State law.
- 3. The Organizational Inspection Program (OIP) manager will conduct a review of Uses of Force annually. The findings will be presented to a review board consisting of the Deputy Chief, the two Captains, and the Training Lieutenant. The review will be reported on in a Department Staff Meeting upon completion.

## VIII. CONCEALED CARRY OF FIREARMS IN THE PSB

The Ogden Police Department recognizes the legal right of citizens with a Utah Concealed Firearms Permit (CFP) or a Utah-recognized CFP from another state or jurisdiction, or a retired Law Enforcement Officer under the authority of the Law Enforcement Officer's Security Act (LEOSA), to carry a concealed firearm and to carry it into the public-access areas of the Public Safety Building (PSB).

In accordance with State law, the non-public access areas of the PSB are designated as "secure" areas and CFP holders, as well as LEOSA-authorized former Law Enforcement Officers, will not carry a concealed firearm into the secure areas

of the PSB. In accordance with State law, signs have been placed appropriately and lockers are available for the securing of the firearms prior to entry into secure areas.

Employees of the Ogden Police Department, the Ogden Fire Department, and the Weber Dispatch Center, who are holders of valid CFPs, may carry a concealed firearm into their workplace within the PSB. Firearms are to primarily be concealed and secured on the employee's person. If the employee removes the firearm from their person, it must be placed in a secured location and be out of view and access to other persons.

Employees of Ogden City who are authorized to park in the secure parking lot of the PSB are authorized by State law to have a firearm in their personal vehicle and nothing in this policy restricts that right.



SUPERVISOR'S PUBLIC SAFETY QUESTIONS FOR ON SCENE INVESTIGATIONS OF OFFICER INVOLVED SHOOTINGS  
(O.I.S.)

Case Number \_\_\_\_\_ Date \_\_\_\_\_

**Directions to on-scene supervisor:** The supervisor compelling this statement:

- Will NOT deviate from officer and public safety content.
- Will write down on this document the answers provided.
- Will disseminate public safety information immediately via radio, as appropriate.
- Will provide this document to the first arriving Weber County Attorney Investigator.

"Officer \_\_\_\_\_, you are required by policy to complete a public safety statement. Due to the immediate need to take action, you are ordered to answer the following questions listed below. You do not have the right to wait for a legal or union/association representation before answering these limited questions. If you refuse to answer these questions relating to the performance of your official duties, you will be subject to Department action, which could result in your dismissal from the Department."

Requesting Supervisor's Name \_\_\_\_\_ Time \_\_\_\_\_

"At this time, and to the best of your knowledge, please answer the following:"

1. Are you injured? \_\_\_\_\_
2. Do you need medical attention? \_\_\_\_\_
3. If you know of any person, or animal, who was injured, what is their location? \_\_\_\_\_
4. In what direction did you fire your weapon(s)? \_\_\_\_\_
5. What weapon did you fire? \_\_\_\_\_
6. If any suspect (s) are at large, what are their descriptions? \_\_\_\_\_
7. What was their direction of travel? \_\_\_\_\_
8. What means did they flee? \_\_\_\_\_
9. How long ago did they flee? \_\_\_\_\_
10. For what crimes are they wanted? \_\_\_\_\_
11. With what weapons are they armed? \_\_\_\_\_
12. Does any evidence need to be preserved? \_\_\_\_\_
13. Where is the evidence located? \_\_\_\_\_
14. Did you observe any witness(es)? \_\_\_\_\_
15. Where are the witness(es)? \_\_\_\_\_
16. Are you aware of any other immediate public safety concern? \_\_\_\_\_
17. \*On-scene supervisor may ask questions to obtain any other information as necessary to ensure officer and public safety, and assist in the apprehension of outstanding suspects including identity of all persons present.

"Officer \_\_\_\_\_, in order to preserve the integrity of your statement, I order you NOT to discuss this incident with anyone, including other supervisors or officers, prior to the arrival of the assigned investigators, with the exception of your legal representation."