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August 8, 2018

FOR IMMEDIATE RELEASE

Enoch City Officer-Involved Shooting June 28, 2018

After a thorough investigation upon the evidence and facts reviewed, the Enoch City Use of Force Review Board unanimously concludes that Corporal Jeremy Dunn's actions were within department policy. He is currently on administrative leave until a determination can be made in compliance with and by all relevant agencies.

The complete report is attached to this release.

About Enoch City

Enoch City is located approximately 6 miles northeast of Cedar City, Utah with a population of nearly 6,500 residents. Enoch City was founded in 1851 by Joel H. Johnson and it was incorporated in 1966. For more details about Enoch City, please visit www.cityofenoch.org/history.html.



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Executive Summary

On Thursday, June 28, 2018, Enoch City Police Corporal Jeremy Dunn (“Cpl. Dunn” or “Dunn”) responded to a call from Cedar City Dispatch to assist Parowan Police Department on a burglary in progress at the T/A truck stop. After arriving and confronting two suspects, he fired his service weapon at the female suspect’s right knee and wounded her.

The Iron County Critical Incident Task Force was immediately activated to investigate the incident as required in the *Iron County Critical Incident Task Force Investigative Protocol, 2015*. Cpl. Dunn contacted Enoch Chief of Police Jackson Ames and reported the incident.

After being notified and in accordance with Enoch City Policies, Chief Ames activated the Enoch City Use of Force Review Board (“Board”). The duties of the Board are found in the *Enoch City Police Department Policy Manual, Policy 302 Deadly Force Review, Part 302.4.2* and states the Board is to investigate and determine either one of the following:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

The investigative mandate is stated in policy:

302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The Board members may request further investigation, request reports be submitted for the Board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the Board and may choose to have a representative through all phases of the review process.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

The Board met on July 2, 2018 to discuss the duties of said Board and the criteria of the investigative proceedings. On the evening of July 9, 2018, the Board convened and first reviewed Enoch City Police Department Policy thoroughly; thereafter the Board reviewed several times the video and audio recordings of the incident, and subsequent CITF interview of Cpl. Dunn to ascertain a complete factual understanding of the events.



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Scope of the Investigation

The Enoch City Use of Force Review Board (“Board”) is empowered to conduct an administrative review and inquiry into the circumstances of the incident and make a recommended finding to the Chief of Police. The finding is either that the employee’s actions were within department policy and procedure or they were in violation of department policy and procedure.

This review included a complete examination of the Enoch City Police Department Policy sections related to the incident and the following sections of said Policy are incorporated into this report by reference and are attached as an exhibit.

- 300 Use of Force
- 302 Deadly Force Review
- 304 Firearm Discharge
- 309 Conducted Energy Device
- 310 Officer-Involved Shootings and Deaths
- 312 Firearms
- 316 Officer Response to Calls
- 352 Outside Agency Assistance
- 358 Major Incident Notification
- 424 Rapid Response and Deployment Police
- 470 Crisis Intervention Incidents, and
- 471 Medical Aid Response

The Board reviewed both the bodycam video/audio from Cpl. Dunn’s body camera and the video/audio of the CITF interview with Cpl. Dunn. This interview was performed two (2) sleep cycles after the incident.

Evidence Considered

- Enoch City Police Department Policy 2018
- Cpl. Jeremy Dunn’s Body Camera Video/audio
- Cpl. Jeremy Dunn’s CITF Interview Video/audio

Analysis of the Evidence

Prior to reviewing any video/audio evidence, the Board read and discussed the Enoch City Police Department Policy to obtain a baseline of the actions expected of Enoch City law enforcement personnel.

The Board then viewed Dunn’s bodycam video in its entirety from the thirty (30) seconds the device begins recording prior to activation to the time members of the CITF instructed Dunn to turn the device off. This was approximately forty-four (44) minutes of body cam footage. This

was reviewed in order to observe and hear the specific incident as recorded by Dunn's bodycam and to ascertain a complete understanding of the incident. Application of the official Enoch City Police Department Policy was the foundation from which the bodycam footage was viewed to determine compliance. The Board then viewed the CITF interview of Cpl. Dunn by Detective Tom Byrd of the CITF to obtain critical observations placing the entire incident in context both as to what happened before the bodycam commenced recording as well as perspectives not captured by the bodycam.

Based upon the evidence and facts reviewed, the Board unanimously concludes that Corporal Jeremy Dunn's actions were within department policy. The analysis of the Board supporting this determination is as follows:

Factual Background

Thursday, June 28, 2019 at approximately 11:41 pm, Corporal Jeremy Dunn responded to a call from Iron County Dispatch to a possible burglary in progress at the T/A Truck Stop in Parowan, Utah. Upon arrival, as informed by a witness, Cpl. Dunn informed Dispatch that one additional suspect was inside and proceeded to the northeast end of the parking lot. Cpl. Dunn found Parowan City Police Sergeant Mike Berg ("Berg") with his gun drawn, standing behind the open driver-side door of his truck. Cpl. Dunn notes that Sgt. Berg has no TASER, is not wearing body armor or duty belt. Berg is behind the open truck door and approximately ten (10) to fifteen (15) feet away from one female and one male suspect. Sgt. Berg informed Cpl. Dunn the female suspect refused to drop the screwdriver. Upon Cpl. Dunn's arrival Sgt. Berg flanks around the rear of his vehicle to the passenger side while Cpl. Dunn remains on the driver side of the vehicle. Cpl. Dunn stops approximately 15 feet from the suspect with his gun drawn in low-ready position.

Cpl. Dunn began talking with the suspects and asked the female to drop her weapon (screwdriver). Repeated requests and commands from both Cpl. Dunn and Sgt. Berg were made to the suspect to drop her weapon. The female suspect refused to comply. Cpl. Dunn asked the empty-handed and quiet male suspect who was standing next to the female suspect to move away from the female suspect. Cpl. Dunn explains to the suspects he does not want the male to be harmed and he should move to safety. The female suspect appeared to have control over the male suspect and told Cpl. Dunn he was not going to step away from her and instructed the male suspect to stay close to her. The female turns her back to the officers, talks to the male suspect and begins to attempt to leave the scene. At that point Cpl. Dunn takes a step forward and both Cpl. Dunn and Berg direct their weapons towards the female whereupon Cpl. Dunn tells her she is not free to leave.

At this point, the female turns toward the officers, takes four steps towards Cpl. Dunn, with her left arm extended away from Cpl. Dunn, holding the screwdriver, and tells him to "go ahead and blow" and "see what happens" and "you can't kill me, see what happens." Cpl. Dunn tells the female that if she comes at him with the knife, "I guarantee I'll smoke ya" to which she responds, "you can't kill me" and "you can't kill him see what happens." During this time, Sgt. Berg is positioned to the right of Cpl. Dunn and is also holding the female at gunpoint giving commands for her to put down the screwdriver.

Cpl. Dunn states to Sgt. Berg, "I can take her out like last time. Do you want me to take her out like last time?" Cpl. Dunn later confirms in the CITF interview he was referring to a prior officer-involved shooting in 2012 involving both Cpl. Dunn and Sgt. Berg in a near identical situation. Sgt. Berg responds to this question by telling Cpl. Dunn to deploy his TASER at the female.

Cpl. Dunn withdrew his TASER X2, closes the distance between himself and the female, and deployed the 1st cartridge which has no effect on the suspect. Cpl. Dunn then deploys a 2nd cartridge and observed it too had no effect. The female smiles at Cpl. Dunn and taunts him stating "see that didn't work" and appears to be pulling the TASER wires as though she is trying to coil them up. Cpl. Dunn states "ok, that is all I got for TASER." The female can be seen pulling one of the TASER probes from her pant leg. Cpl. Dunn is a trained Drug Recognition Expert (DRE) and noted that the suspect was acting irrational and possibly under the influence of drugs.

At this point both Cpl. Dunn and Sgt. Berg have closed the distance to not more than ten (10) feet from the female and are in the zone of immediate harm. The male suspect is left of the female approximately two steps and slightly behind her. At this point, the video shows that if the suspect takes one step towards Sgt. Berg, the male suspect will be in the line of fire from where Cpl. Dunn is standing and who does not appear to be actively participating in the aggression but has refused to remove himself from the situation. The female then brings the screwdriver up and across her chest in her right hand as if to load a swing, and takes a cross-step forward with her left leg toward Cpl. Dunn and states to the officers, "What's up?"

Cpl. Dunn responds to this aggression by firing 3 rounds from his duty weapon at the female suspect's legs. The suspect fell to the ground in a sitting position with the screwdriver still in her hand and thereafter dropped the screwdriver. The screwdriver rolls under her leg out of sight but near her hands as they rested on her leg.

Cpl. Dunn immediately pushed the female suspect to her stomach and proceeded to apply handcuffs. Cpl. Dunn applied a tourniquet to the female suspect's right leg. EMS arrived on scene and commenced medical services on the wounded suspect. During the next 60 minutes, multiple law enforcement personnel arrived on the scene and began conducting support functions and an investigation of the incident. At his earliest opportunity, Cpl. Dunn called Enoch City Police Chief Jackson Ames. The Iron County Critical Incident Task Force (CITF) was activated per policy.

Findings of Fact

The evidence displayed in the video coincide with the perceptions of Cpl. Dunn and his subsequent actions. The facts are these:

1. Cpl. Dunn responded to an official request for assistance to the T/A Truck stop in Parowan, Utah.

2. While in route, Parowan Police Sergeant Mike Berg notified dispatch that he had an armed suspect at gunpoint who had tried to stick him two times with the screwdriver.
3. Upon arrival, Cpl. Dunn was informed by bystanders that a third suspect was still roaming the property whose status as an aggressor was unknown to Cpl. Dunn and potentially behind him.
4. Cpl. Dunn joined Sgt. Berg and observed two suspects, a male and a female, non-compliant to Sgt. Berg's reasonable orders.
5. Cpl. Dunn followed reasonable procedure by giving direct commands for the male suspect to move away from the female suspect, who was brandishing a weapon.
6. Cpl. Dunn closed the distance between himself and the female suspect to not more than (10) feet and applied the approved use of a Conducted Energy Device or TASER at the female suspect to force compliance.
7. Both officers had closed physical proximity to the suspect significantly less than twenty-one (21) feet to the female suspect during the attempt to TASER her.
8. After Cpl. Dunn deployed the Taser to no effect, Cpl. Dunn observed Sgt. Berg was no longer behind the open truck door and was exposed to the suspect, having no body armor or equipment other than his pistol.
9. After the TASER was deployed to no effect, the female suspect began coiling the TASER wires and appears to become more emboldened and agitated.
10. The male suspect is to the female's left by approximately one step but behind her, placing both the male suspect and Sgt. Berg within feet of the line of fire had the female suspect moved one or two steps to her left in an effort to attack either Sgt. Berg or the male, or attempt to flee.
11. The female suspect raised the screwdriver in her right hand across her body appearing to load for an attempt to strike.
12. The female suspect took a step forward with her left leg while her right arm was cocked, holding the screwdriver, and stated, "What's up?"
13. Cpl. Dunn assessed the risk to himself, Sgt. Berg, the male suspect, other individuals within a short distance, and the female suspect and applied non-lethal force with a lethal weapon towards the right knee of the female suspect.
14. After firing one (1) shot and not seeing changes to the physical demeanor of the female suspect, Cpl. Dunn fired two (2) more shots and immediately observed the female suspect sit down, neutralizing the threat to others.
15. Cpl. Dunn applied force to move the female suspect into a position where handcuffs could be applied and then immediately started first aid.
16. Cpl. Dunn radioed Dispatch that shots were fired, suspects were in custody, and to send EMS.
17. Cpl. Dunn left all evidence at the location of the incident and removed himself to allow the investigation to commence.



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Conclusion

Upon application of facts found to factors contained in the Enoch City Police Department Policy Manual, Section 300.3.2, the Enoch City Use of Force Review Board finds that Corporal Jeremy Dunn's actions and use of force were within department policy and procedures as follows:

Specifically, Enoch City has determined that pursuant to its policy, reasonable force was used by Officer Dunn because of the immediate threat to both officers and the male suspect, the irrational conduct of the female suspect, the female suspect's use of a weapon and drugs and/or mental state, the refusal to comply with multiple lawful orders and the lack of other alternative means of restraint. These findings and conclusions are supported by the following events:

- (a) Corporal Dunn observed an immediate and severe threat to Sergeant Berg, himself, the male suspect, and civilians located behind him; and,
- (b) The female suspect exhibited erratic behaviors as she defied lawful commands of both Officers; and,
- (c) As a trained Drug Recognition Expert (DRE), Corporal Dunn observed behaviors indicative of possible drug use, intoxication, and a diminished mental state; and,
- (d) Corporal Dunn was aware of the previous attempt by Sergeant Berg to detain the female suspect resulting in her attempt to stab Sergeant Berg with the screwdriver; and,
- (e) The female suspect effectively resisted previous attempts to be restrained and was subjected to two TASER deployments, with no effect; and,
- (f) After resisting Sergeant Berg's attempt to detain her, and being subjected to two ineffective TASER deployments, and after the female raised the screwdriver in her right hand across her body appearing to load for an attempt to strike, taking a step forward with her left leg while her arm was cocked, Corporal Dunn chose to incapacitate the female suspect using lethal force in a non-lethal manner; and,
- (g) Corporal Dunn responded to this call to provide backup to Sergeant Berg with knowledge of the greater distance other law enforcement officers had to travel to the scene; and,
- (h) Corporal Dunn has worked for the Enoch City Police Department for seven (7) years as a certified Category I Peace Officer, a certified firearms instructor, and is a Critical Incident Training (CIT) officer, and TASER certified; and
- (I) Corporal Dunn was acutely aware of the potential for injury to himself, Sgt. Berg, the male suspect and the public observed in the parking lot; and
- (j) With two suspects in the immediate vicinity and one potential suspect in possible close proximity, Corporal Dunn's was aware of the risk and reasonably foreseeable consequences of escape of the burglary suspects; and,



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- (k) Corporal Dunn observed a need for immediate control of the subject and prompt resolution of the situation.

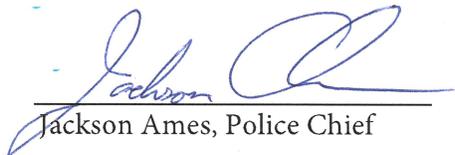
Members of the Enoch City Use of Force Review Board


Geoffrey Chesnut, Mayor


David Harris, City Council


Rob Dotson, City Manager


Josh Hildebrand, Police Officer


Jackson Ames, Police Chief

EXHIBITS300 USE OF FORCE

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.



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- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.300.4
- (I) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

302 DEADLY FORCE REVIEW

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Enoch City Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Enoch City Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.



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The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Chief of Police will convene the Use of Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Chief of Police of any incidents requiring board review. The involved employee's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander

for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

304 FIREARM DISCHARGE

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase the Department's and/or an officer's civil or criminal liability in any way.

Violations of this policy can only form the basis for Department administrative actions.

304.1.1 POLICY

It is the policy of the Department to resort to the use of a firearm when it reasonably appears to be necessary, and generally:

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible (Utah Code 76-2-404(2)).
- (c) To stop a dangerous animal.
 1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.
 2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, TASER device, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- (d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Before destroying the animal, the officer shall obtain the judgment to the effect of

a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. However, if the officer is in a location or circumstance where the officer is unable to contact another person, the injured animal may be destroyed (Utah Code 76-9-305(3)).

(e) For target practice at an approved range.

Where feasible, a warning should be given before an officer resorts to deadly force as outlined in (a) and (b) above. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible as outlined in Utah Code 76-2-404(2).

304.1.4 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any employee who discharges a weapon accidentally or intentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the employee shall file a written report with his/her supervisor prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift.

309 CONDUCTED ENERGY DEVICE

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

309.2 POLICY

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

309.5.1 APPLICATION OF THE EMDT DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.

The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical

attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible. The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

310 OFFICER-INVOLVED SHOOTINGS AND DEATHS

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

310.6 CRIMINAL INVESTIGATION

The Iron County Critical Incident Task Force and the [District/County Attorney]'s Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies as part of the Iron County Critical Incident Task Force to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) ECPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of ECPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

310.6.1 REPORTS BY INVOLVED ECPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved ECPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved ECPD officers may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved ECPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation to determine conformance with all department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.



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2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

310.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

310.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.



310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [dispatcher], other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

310.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

312 FIREARMS

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

316 OFFICER RESPONSE TO CALLS

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

352 OUTSIDE AGENCY ASSISTANCE

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

358 MAJOR INCIDENT NOTIFICATION

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.



424 RAPID RESPONSE AND DEPLOYMENT POLICY

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

470 CRISIS INTERVENTION INCIDENTS

470.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

470.2 POLICY

The Enoch City Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

471 MEDICAL AID AND RESPONSE

471.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

471.2 POLICY

It is the policy of the Enoch City Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.