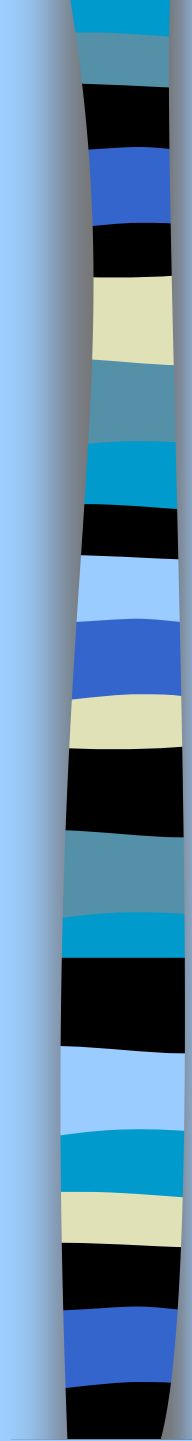


# SB 111

## When Police Use Deadly Physical Force

DRAFT PLAN FOR JACKSON COUNTY



SB 111.

- WHERE IT CAME FROM.



# SB 111.

- WHERE IT CAME FROM.
- WHAT IT IS.



# SB 111.

- WHERE IT CAME FROM.
- WHAT IT IS.
- WHAT IT IS *NOT*.



# WHERE IT CAME FROM.

- 2005 Attorney General's Task Force On Deadly Force.



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- 2005 Attorney General's Task Force On Deadly Force.
  - Broad-based membership.
  - Attorney General's listening sessions with officers, community representatives.



# WHERE IT CAME FROM.

- 2005 Attorney General's Task Force On Deadly Force.
  - Broad-based membership.
  - Attorney General's listening sessions with officers, community representatives.
- Attorney General's Report On Deadly Force.



# WHERE IT CAME FROM.

- A-Engrossed SB 301 (2005)
  - Passed the Senate
  - Failed in the House





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- SB 111 (2007) began as a clone of SB 301A.



# WHERE IT CAME FROM.

- A-Engrossed SB 301 (2005)
  - Passed the Senate
  - Failed in the House
- SB 111 (2007) began as a clone of SB 301A.
  - Amended in Ways & Means Committee.
  - Passed by Senate.
  - Amended again in Ways & Means.
  - Passed by House.
  - Re-Passed by Senate.

# WHAT IT IS

A plan for how a community responds to a police officer's use of deadly physical force.

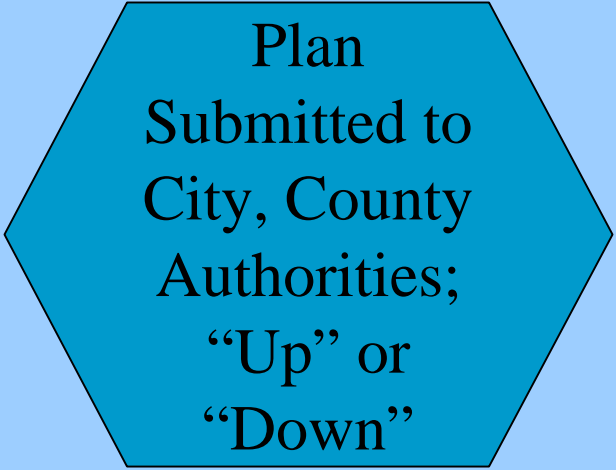
## Deadly Physical Force

Means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

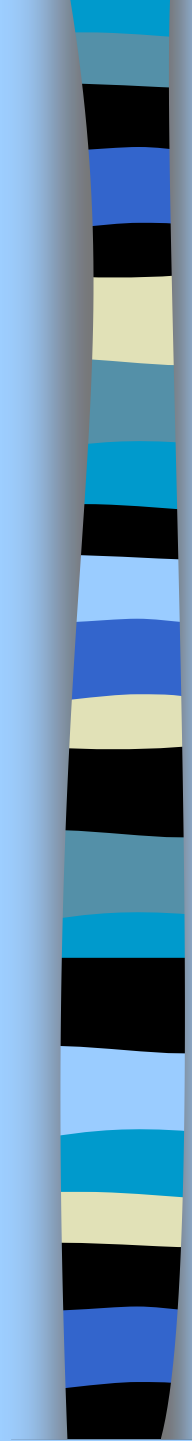


At Least  
One Public  
Hearing

Current

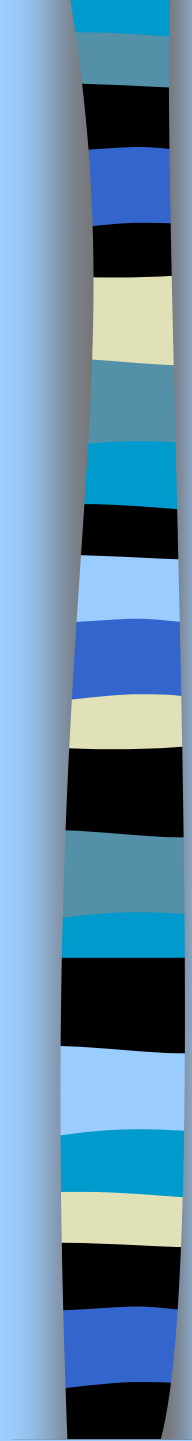


Within 60 days

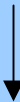
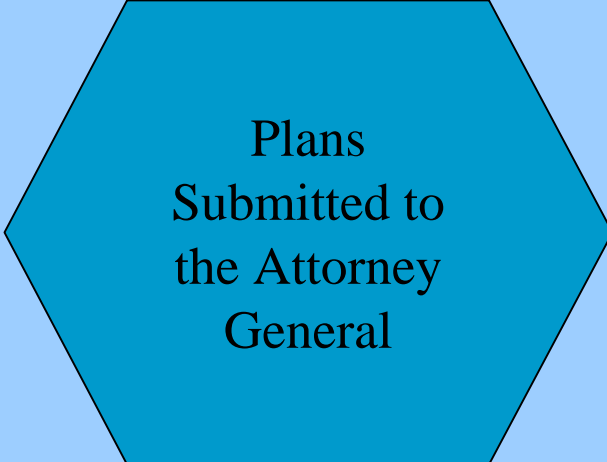


Before July 1, 2008

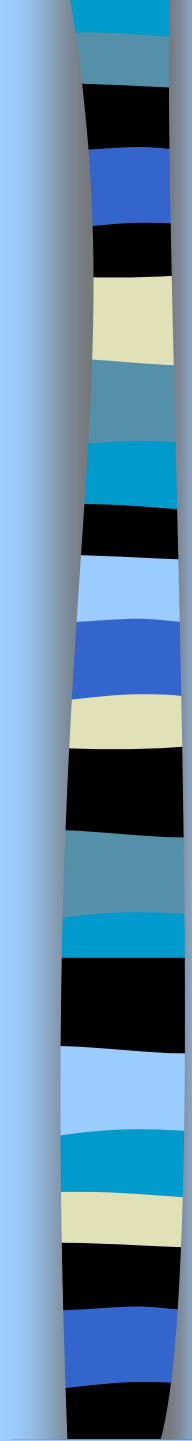
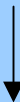
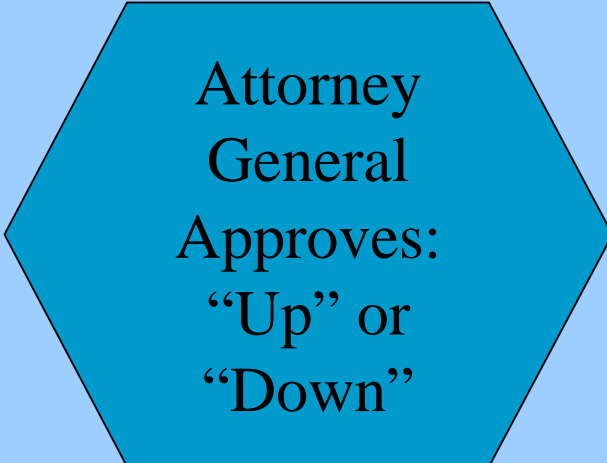
Plans  
Submitted to  
the Attorney  
General



Before July 1, 2008



Within 30 days





Upon  
Approval:  
Agencies  
Bound by  
Plan





Upon  
Approval:  
Agencies  
Bound by  
Plan



Agencies  
Entitled To  
Reimbursement  
For Certain  
Planning,  
Ongoing  
Expenses





# WHAT IT IS: The Planning Authority

- Six members. Section 2.



# WHAT IT IS: The Planning Authority

- Six members. Section 2.
  - “Nonmanagement” police officer.
  - A Chief of Police.
  - Public member.
  - OSP.
  - Sheriff. Co-Chair.
  - District Attorney. Co-Chair.
- Authorized to consult anyone.



# WHAT IT IS: Elements of The Plan

- Education, outreach, training. Section 2(4)(a).



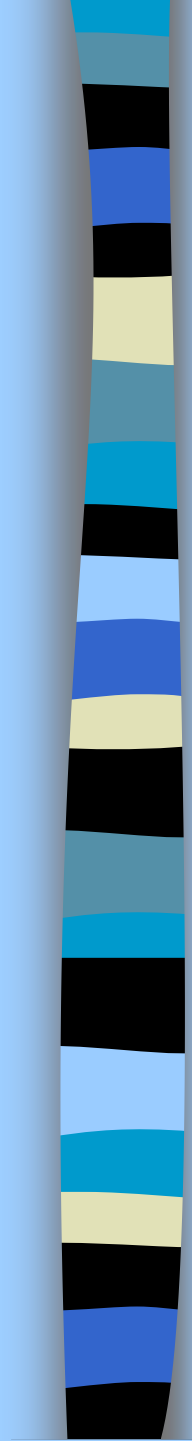
# WHAT IT IS: Elements of The Plan

- Education, outreach, training. Section 2(4)(a).
  - For police.
  - Government attorneys.
  - Community members. *E.g.*, “Seminar” on deadly force training, investigations, resolution?



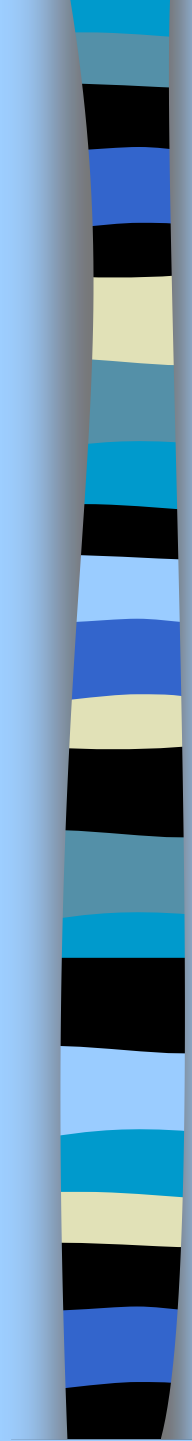
# *Who will provide training/outreach?*

- Jackson County law enforcement agencies
- the Law Enforcement Agencies Heads group
- MA/DIU
- the Jackson County Public Safety Coordinating Counsel
- the Deadly Physical Force Planning Authority



# WHAT IT IS: Elements of The Plan

- An element “dealing with the immediate aftermath.” Section 2(4)(b).



# WHAT IT IS: Elements of The Plan

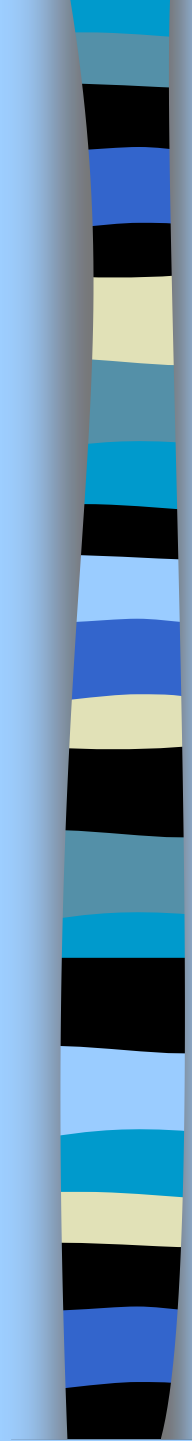
- An element “dealing with the immediate aftermath.” Section 2(4)(b).
  - Must include at least “two sessions with a mental health professional” for “involved officers.” Sections 3(2), 5(3)(a), and 5(4). Employer-funded, state subsidized.
  - Might include other provisions, *e.g.*,
    - Routinely secure officer’s weapon?





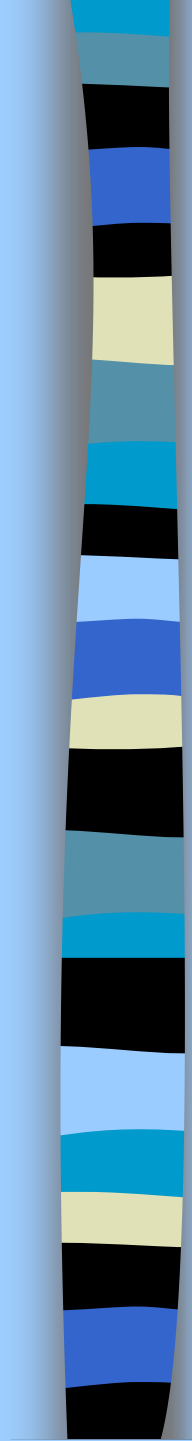
## *Immediate aftermath*

- Scene procedure
- Transporting involved officer
- Assignment of companion officer
- 72 hour relief from active duty



# WHAT IT IS: Elements of The Plan

- An element “dealing with the investigation.” Section 2(4)(c).



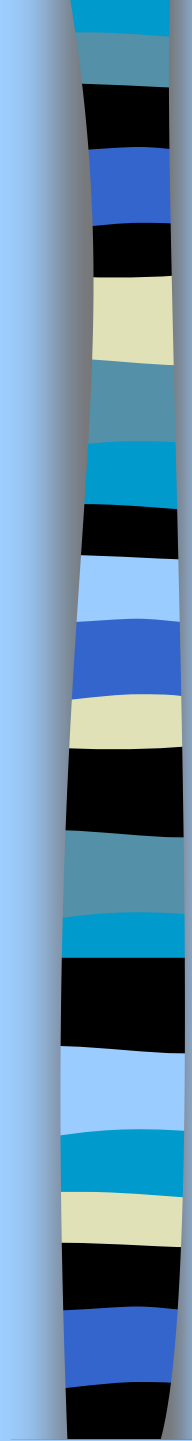
# WHAT IT IS: Elements of The Plan

- An element “dealing with the investigation.” Section 2(4)(c).
  - Must provide for one outside agency investigator. Sections 3(3) and 5(5)(a).
  - Outside agency need not direct the investigation.
  - Might include other provisions.



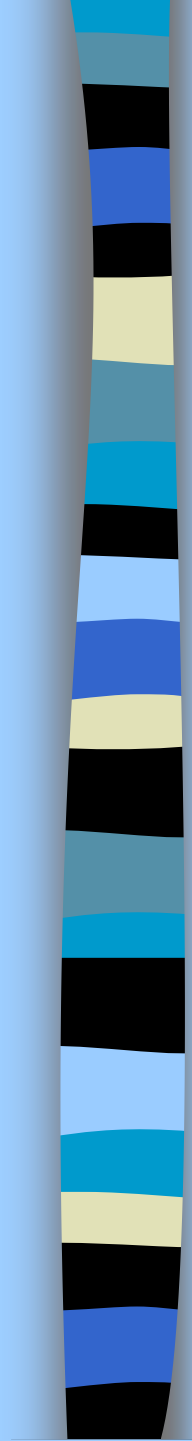
# *The criminal investigation*

- Investigative team composition
- Call-out procedure
- Interviewing involved officer(s)
- Intoxicants testing
- Autopsy



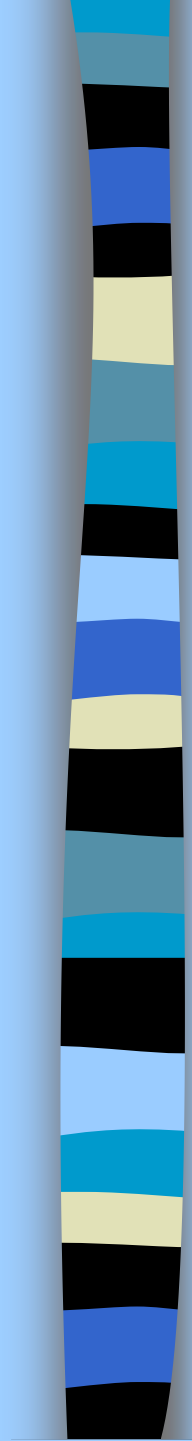
# WHAT IT IS: Elements of The Plan

- An element “dealing with the exercise of district attorney discretion to resolve issues of potential criminal responsibility.” Section 2(4)(d).



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- SB 111 does not change in any way the DA’s choices.



# WHAT IT IS: Elements of The Plan

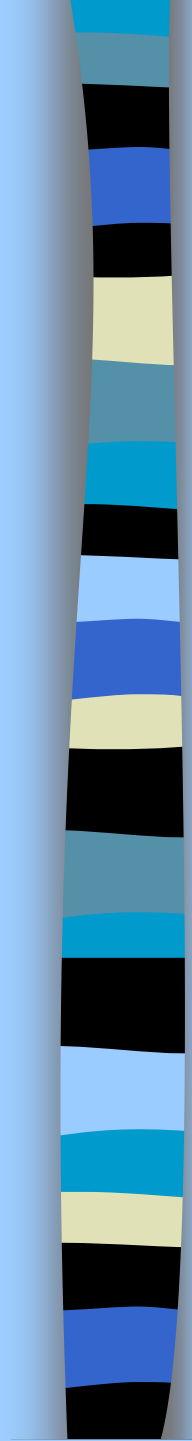
- An element “dealing with the exercise of district attorney discretion to resolve issues of potential criminal responsibility.” Section 2(4)(d).
- SB 111 does not change in any way the DA’s choices.
  - Grand jury?
  - DA determination based on investigative reports?



## *Role of district attorney*

- Participate in MA/DIU call-out
- Assist investigative team with any legal issues
- Determine criminal liability on the part of any person involved
- Normally these cases are presented to a grand jury





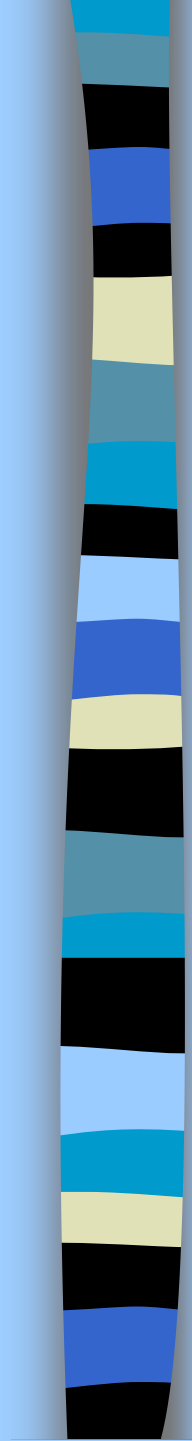
# WHAT IT IS: Elements of The Plan

- An element dealing with
  - Collecting and submitting, beginning July 1, 2008, to the AG death in custody reports. Section 2(4)(e), 3(5), and 5(6).
  - “debriefing after an incident in which an officer used deadly force.” Section 2(4)(e).
  - revision of deadly force plans. Section 2(4)(e).



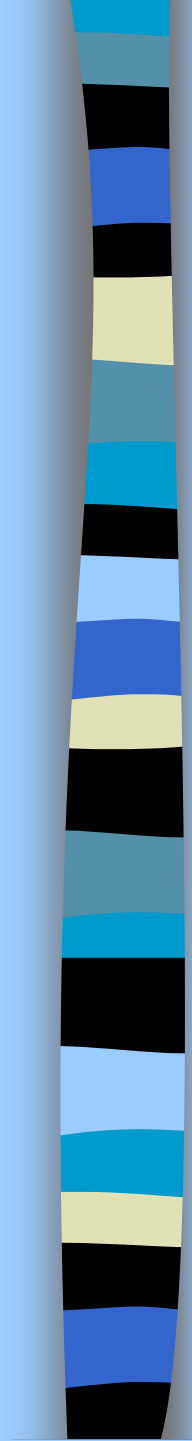
## *Plan revisions*

- Planning authority meets to discuss any needed changes
- Revisions submitted to AG
- Revised plan incorporated in J/C Cooperative Policing Manual



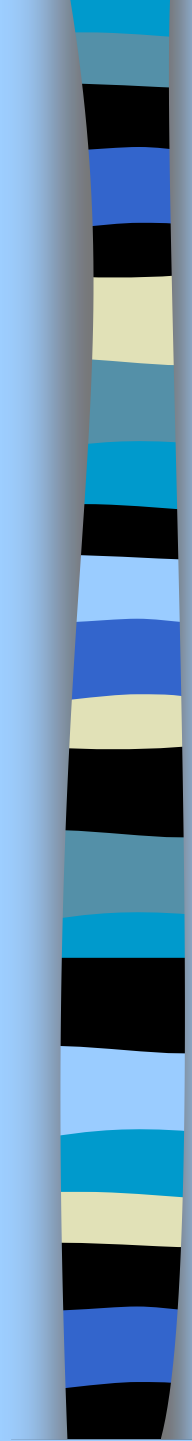
# WHAT IT IS: Elements of The Plan

- An estimate of the fiscal impact on the law enforcement agencies to which the plan will apply. Section 2(4)(f).
  - Each agency would have to estimate the impact.
  - Informs review of plan by local governing bodies.



# WHAT IT IS: Elements of The Plan

- The plan must have attached to it copies of the written deadly force policy of all law enforcement agencies in the county. Section 3(1)(b).



# WHAT IT IS: Elements of The Plan

- The plan must have attached to it copies of the written deadly force policy of all law enforcement agencies in the county. Section 3(1)(b).
- The agency-specific deadly force policy must “include guidelines for the use of deadly physical force.” Section 5(2).

WHAT IT IS *NOT*.





# IT IS *NOT*

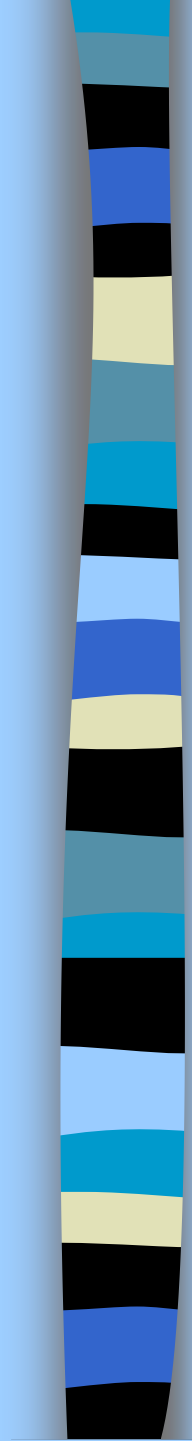
- The same as agency-specific use of deadly force policies.
- Some of the distinctions:
  - The Planning Authority's plan is comprehensive.
  - The Planning Authority's plan requires public involvement.
  - The Planning Authority's plan must be submitted for local governing body and AG approval.
  - The Planning Authority's plan, upon approval, provides for state financial support.



# IT IS *NOT*

- A mechanism through which the Attorney General may substitute his judgment about how to handle deadly force prosecutions for the District Attorney.
  - No change in DA discretion.
  - The AG has no authority to change submitted plans.



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- For more information, please visit [www.doj.state.or.us](http://www.doj.state.or.us).