

# Guide to Key Features of Enrolled SB 111 Immediately Effective Upon Governor's Approval of Measure

## Formation of the Planning Authority. Section 2(1).

- One in each county.
- Six members including, in addition to the District Attorney and Sheriff, a line officer, a police chief, member of the public, and representative of the Oregon State Police.

## Participation in the Planning Authority. Sections 2(3), 9(2) and 11.

- Between the time the measure becomes law and June 30, 2008, the agency employing the line officer member of the Planning Authority must pay for at least 80 hours of participation in the Planning Authority work. Section 9(2).
- Annually after June 30, 2008, the agency employing the line officer member must pay for at least 16 hours of participation in the Planning Authority work. Section 2(3).
- Between the day the bill becomes law and June 30, 2008, agencies participating in the planning process must track all expenses incurred "by reason of its participation." Section 11(1). The expenses accumulate as credits entitling participating agencies to subsequent dollar-for-dollar reimbursement as grant-qualifying expenses accumulate during execution of approved plans. Section 11(3).

## Six Minimum Requirements of the Plans. Section 2(4)(a)-(f).

- An element dealing with education, outreach and training about the use of deadly physical force for police officers, attorneys employed by state or local government within the county, and members of the community.
- An element dealing with the immediate aftermath of an incident in which a police officer used deadly physical force.
- An element dealing with the investigation of an incident in which a police officer used deadly physical force.
- An element dealing with the exercise of district attorney discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.

- An element dealing with collecting information regarding a police officer's use of deadly physical force, debriefing after an incident in which a police officer used deadly physical force, and revising a plan developed under this subsection based on experience.
- An estimate of the fiscal impact of each of the other minimum elements on the law enforcement agencies to which the plan applies.

Key Features of Approval Process. Sections 2(5)-(12).

- Planning Authority must conduct "at least one public hearing" before submitting its proposed plan for approval. Section 2(5).
- Two-thirds of the governing bodies in the jurisdiction must approve the plan. Section 2(7)-(9).
- Once approved by two-thirds of the governing bodies, the plan must be submitted to the Attorney General for approval. Section 2(10).

Law Enforcement Agencies Mandated to Adopt Deadly Force Policies. Section 5(2).

- Regardless of the status of the deadly force plan developed by the Planning Authority, every law enforcement agency "shall adopt a policy dealing with the use of deadly physical force by its police officers. At a minimum, the policy must include guidance for the use of deadly physical force."

DOJ Rulemaking. Sections 4(4), 5(7) and 11(4).

- DOJ hopes that administrative rules detailing forms and procedures could ease the administrative burdens on local law enforcement for reimbursement of credits accumulated during the planning process, distribution of grants to execute plans, and submission of reports about deadly force incidents.

"Lessons-learned" Reports. Section 6.

- Written conclusions and recommendations deemed inadmissible in subsequent civil actions and administrative proceedings.