

June 2nd, 2022  
7:00 pm  
City Council Meeting  
Audio/Video Teleconference  
City Hall Conference Room  
48318 E. 1<sup>st</sup> Street  
Oakridge OR, 97463



## REGULAR MEETING

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### 1. CALL MEETING TO ORDER

### 2. Pledge of Allegiance

### 3. Roll Call

### 4. Additions, Corrections or Adjustments to the Agenda

### 5. Public Comment – 30 Minutes

*Individual speakers must be recognized by the presiding officer, provide their name and address, and will be allowed up to 3 minutes or less with Council approval. The Council will not engage in any discussion or make any decisions based on public comment at this time. The Council may take comments under advisement for discussion and action at a future Council meeting. The Mayor may direct the city administrator to follow up on comments received.*

### 6. Mayor Comments / Announcements / Proclamation

### 7. Council Comments / Announcements

### 8. Consent Agenda

### 9. Business from the City Council

9.1 Discussion on future City Volunteer Appreciation Event

9.2 Discussion on adding Fee Waiver Instructions to certain city forms

### 10. Business from the City Administrator

10.1 Street Closure/Usage Request for Seniors Last Ride to School Class of 2022

10.2 Event Permit with Street Closure and Temporary OLCC Sales License

10.3 Pro-Tem-CA Updates

### 11. Reports of Committees

### 12. Items Removed from the Consent Agenda

### 13. Ordinances, Resolutions and Public Comments

13.1 Resolution 2022-1 Resolution Adopting Updated and revised Lane County Deadly Physical Force Plan

### 14. Public Hearings

### 15. Appointments

### 16. Public Comment

### 17. Adjourn

### 18. Executive Session: ORS 192.660 (2) (a) The governing body of public body may hold an executive session:

*To consider the employment of a public office, employee, staff member or individual agent.*

*This will be a remote participation meeting. Citizens have four ways of attending and commenting:*

*1. Use your computer, tablet or smartphone and go to: <https://us02web.zoom.us/j/3664311610>.*

*Meeting ID: 3664311610. 2. Use your telephone and dial: +1 669 900 9128. Meeting ID: 366 431 1610.*

*3. Send comments by email to: [cityadministrator@ci.oakridge.or.us](mailto:cityadministrator@ci.oakridge.or.us) by 2pm the day of the meeting.*

*4. While discouraged due to the pandemic, you may attend in person at City Hall. Masks are required.*

**Detailed instructions are available at City Hall, on the city website, and the city Facebook page.**  
**Accommodation for Physical Impairments:** *In order to accommodate persons with physical impairments, please notify the City of any special physical or language accommodations you may require as far in advance of the meeting as possible. To make arrangements, Contact City Hall at 541-782-2258. For the hearing impaired, City's TTD Number is 541-782-4232.*

**CITY OF OAKRIDGE**  
**REQUEST FOR COUNCIL ACTION**

<b>DATE ACTION REQUESTED:</b> June 2nd, 2022			
<b>Ordinance</b> <input type="checkbox"/>	<b>Resolution</b> <input type="checkbox"/>	<b>Motion</b> <input checked="" type="checkbox"/>	<b>Information</b> <input type="checkbox"/>
<b>Date Prepared:</b> June 1st, 2022		<b>Dept.:</b> City Administrator's Office	
<b>SUBJECT:</b> City Street Usage Class of 2022		<b>Contact Person for this Item:</b> Kevin Martin, Pro-Tem City Administrator   <a href="mailto:cityadministrator@ci.oakridge.or.us">cityadministrator@ci.oakridge.or.us</a>   (541) 782-2258	

**SUBJECT:**

Oakridge Class of 2022 Last Ride to School

**BACKGROUND:**

The Oakridge High School Class of 2022 would like to request use of non-street legal vehicles and possibly delay normal traffic flow for their customary last ride to school.

**RECOMMENDATION:**

Staff recommends acceptance by a motion of the Council.

**RECOMMENDED MOTION:**

*"I move to accept the request for usage of non-street legal vehicles and possible delay of traffic on City Streets for Class of 2022, "Last Ride to School" as presented."*

**ALTERNATIVE MOTION:**

**FINANCIAL IMPACT:**

None.

**ATTACHMENT:**

- A. Event Application

# EVENT APPLICATION/PERMIT

DATE: 5/18/22 EVENT NAME: Last Ride to school Class of 2022

NAME OF EVENT COORDINATOR: Cailey Sokolowski  
ADDRESS: 4922 E. 1st St. Oakridge, CO 80463  
PHONE: (541) 255-9188

DATE OF EVENT: 6/9/2022 START TIME: 8am END TIME: 8:20am

NUMBER OF PARTICIPANTS: 25 NUMBER OF BOOTHS: 0

EVENT LOCATION: 1st st. from Post office to High School

EVENT DESCRIPTION: Class of 2022 rides to school on alternative transportation (quads/tractors/golf carts) for their very last day.

(attach additional page if more room is required for description)

APPLICANT SIGNATURE:  PHONE: (541) 255-9188

CHIEF OF POLICE SIGNATURE:  DATE: 5-26-22

COMMENTS FROM CHIEF:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY OF OAKRIDGE**  
**REQUEST FOR COUNCIL ACTION**

<b>DATE ACTION REQUESTED: June 2nd, 2022</b>			
<b>Ordinance</b> <input type="checkbox"/>	<b>Resolution</b> <input type="checkbox"/>	<b>Motion</b> <input checked="" type="checkbox"/>	<b>Information</b> <input type="checkbox"/>
<b>Date Prepared: June 1st, 2022</b>		<b>Dept.: City Administrator's Office</b>	
<b>SUBJECT: Keg &amp; Cask Festival Request</b>		<b>Contact Person for this Item: Kevin Martin, Pro-Tem City Administrator   <a href="mailto:cityadministrator@ci.oakridge.or.us">cityadministrator@ci.oakridge.or.us</a>   (541) 782-2258</b>	

**SUBJECT:**

Keg & Cask Festival Event Permit, Road Closure Request, and temporary OLCC Permit.

**BACKGROUND:**

The Keg & Cask Festival has completed an Event Permit and is requesting a Road Closure of City Streets. They are also requesting City approval of Temporary OLCC Permit/License for the Event.

**RECOMMENDATION:**

Staff recommends acceptance by a motion of the Council.

**RECOMMENDED MOTION:**

*"I move to accept the Keg & Cask Festival Event permit to include approval of Road Closure and approval of OLCC Temporary Sales License as presented."*

**ALTERNATIVE MOTION:**

*"I move to continue the discussion at the next regularly scheduled City Council meeting."*

**FINANCIAL IMPACT:**

Unknown.

**ATTACHMENT:**

- A. Event Application

# EVENT APPLICATION/PERMIT

DATE: 5-4-2022 EVENT NAME: Oakridge Keg & Cask Festival

NAME OF EVENT COORDINATOR: Amy Kelley

ADDRESS: 48263 Y Dr, Oakridge, OR 97463

PHONE: 541-537-0851

DATE OF EVENT: 8-13-2022 START TIME: 3:00 pm END TIME: 11:00 pm

NUMBER OF PARTICIPANTS: 300-500 NUMBER OF BOOTHS: 34

EVENT LOCATION: E 1st Street (street Closure from Oak to Alder on E 1st Street)

EVENT DESCRIPTION: Fundraiser for UWDC Food Box. Beer & Wine Tastings, Food & Non-Food

Vendors, & Music

(attach additional page if more room is required for description)

APPLICANT SIGNATURE: Amy M Kelley PHONE: 541-537-0851

CHIEF OF POLICE SIGNATURE: [Signature] DATE: 5-16-2022

COMMENTS FROM CHIEF:  
Will need at least 1 DPSS Security  
person or Reserve Officer at least, or Full time  
officer at OTC cost for event. Street  
closure request to Council.



# City of Oakridge

## Property Rental Application

Event: Oakridge Keg & Cask Festival  Small event <99  Large event >100  
 Name: Amy Kelley Date(s) requested: 8/13/2022  
 Hours: 10 am - 12 (midnight) Open at: 3:00 pm  
 Contact address: 48263 Y Dr, Oakridge OR 97463 Contact phone: 541-537-0851

Facility:	Rent:
<input type="checkbox"/> Greenwaters Picnic Shelter	\$40
<input type="checkbox"/> Greenwaters Community Building	\$80
<input type="checkbox"/> Greenwaters Amphitheater	\$500
<input type="checkbox"/> Greenwaters Whole Park	\$1,000
<input type="checkbox"/> WAC Classroom	\$25
<input type="checkbox"/> WAC Gym	\$100
<input type="checkbox"/> WAC Senior Lounge	\$25
<input type="checkbox"/> OFD Community Room	\$25
<input type="checkbox"/> Old Public Works Bldg	\$200
<input type="checkbox"/> Osprey Park	\$100
<input type="checkbox"/> Salmon Creek Park	\$100
<input type="checkbox"/> Diamond View Park	\$100
<input type="checkbox"/> OIP Park	\$300
<input type="checkbox"/> OIP Overflow Parking	\$200

Total Fees: 0.00

### Requires Council Approval

Street closure location: E 1st St (From Oak & Alder)  
 Alcohol permit:  Yes  No  
 Noise permit: N/A  
 Nature of noise: Music  
 Estimated distance noise will be plainly audible: 400'  
 Is a variance required:  Yes  No  
 Variance subject to event rules (see reverse)  
 Attach a list of all residences/businesses within 500 feet

Applicant signature: *Amy Kelley*  
 Approval signature: \_\_\_\_\_

Date: 5-4-2022  
 Date: \_\_\_\_\_

OFFICE USE ONLY	
Date paid:	_____
Amount paid:	_____

### ALL EVENTS

1. You will be civilly liable for any damage or injuries that occur during, or are attributed to you or your event.
2. You will be responsible for the cleanup of the facility and for any required repairs attributed to your event.
3. The event, including clean up, must concluded by 10:00 pm or at the time approved by City Council on the application to be compliant with City ordinance.
4. The noise levels at your event cannot consistently exceed 80 decibels at the distance of 500 feet from the amplified source of the noise as measured by the Oakridge Police Department.
5. If good order is not maintained at your event, the event may be shut down by the Oakridge Police Department for violation of your facilities permit and City ordinance.
6. Events must comply with all city ordinances; failure to comply with any ordinance may result in immediate termination of your event by the Oakridge Police Department.
7. All fees must be paid prior to event.
8. The Council reserves the right not to grant or approve facility permits to your group in the future.

### Groups Over 100

In addition to the above rules, the following apply to all groups over 100 people. You must attach appropriate documentation (items 8-12) at the time of application in order for it to be approved.

8. Provide a list of all businesses and residents that are located within 500 feet of the event. This must include addresses and phone numbers. Each business or resident listed must be contacted with information about the event not more than 21 days, nor less than 14 days prior to the event. The information must include contact number for further information or complaints.
9. You must provide Department of Public Safety Standards & Training (DPSST) trained security personnel during your event. One DPSST trained end easily identified person for events of 1-100 participants with a minimum two personnel on duty at all times. One additional DPSST security person is required for each additional 100 people.
10. You must submit a Medical/Safety plan for your event. Med/Safety stations must be identified during the event for events of over 200 people. Contact the Police Chief and Fire Chief for approval of plans prior to submitting. Plans must include contact information in case of emergency. You will be held financially responsible for any and all expense incurred by the City of Oakridge for medical or safety services above what you provide.
11. If admission is charged, you must reserve the entire facility for the duration of the event.
12. An insurance policy for 1 million dollars will be secured for the event with the City named as an additional insured.

I agree to abide by the above conditions and any other stipulations the City may deem necessary.

Signature: 

Date: 5-4-2022

Failure to abide by the above conditions may result in sanctions including, but not limited to refusal to rent facilities, fees being due at time of reservation and inability to secure an alcohol permit.


Sanctions may be appealed to the City Council.

**City of Oakridge  
Alcohol Permit**  
(Please fill in all applicable information.)

<b>Category:</b>	<b>Event:</b> Oakridge Keg & Cask Festival
Family: <input type="checkbox"/>	<b>Event Sponsor:</b> UWCDC
Group: <input type="checkbox"/>	<b>Date of Event:</b> August 13, 2022
Non-Profit: <input checked="" type="checkbox"/>	<b>Hours of Event:</b> _____
For Profit: <input type="checkbox"/>	<b>Will you charge admission to the event?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	<b>Expected Number of People Attending the Event:</b> 500
	<b>Applicant:</b> UWCDC of Oakridge Keg & Cask Festival Committee - Amy Kelley Chair
	<b>Contact Address:</b> PO Box 677, Oakridge, OR 97483
	<b>Contact Phone:</b> 541-537-0851 (Amy Cell)

<b>Facility To Be Reserved:</b>  (Check all that apply to Event:)	<b>Greenwaters:</b> Entire Park: <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Community Building: <input type="checkbox"/>	
Picnic Shelter: <input type="checkbox"/>		
Amphitheater: <input type="checkbox"/>		
<b>Street Closure:</b>	<input checked="" type="checkbox"/> Which Street: E 1st St, Between Oak & Alder from 10:00 am to 12:00 Midday	
<b>WAC:</b>	Classroom <input type="checkbox"/> Senior Ctr <input type="checkbox"/>	
	Gym <input type="checkbox"/> Kitchen <input type="checkbox"/>	
	Fire Hall Training Room: <input type="checkbox"/>	
Have you scheduled the facility with the City?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Alcohol Permit:</b>	<b>Hours of Alcohol Service:</b> 3:00 pm to 11:00 pm
	<b>Type of Food/Caterer:</b> Various, Unknown at this time
	<b>Security Measures:</b> Reserve Police
	<b>Date of Council Approval:</b> _____
	<b>After approval by the Council, please provide copies of:</b>
	Certificate of Insurance: <input type="checkbox"/>
	Hold Harmless Agreement: <input type="checkbox"/>
	OLCC License: <input type="checkbox"/>

<b>Noise Permit</b>	<b>Nature of Noise Generation:</b> Live Music
	<b>Estimated Distance Noise will be plainly audible:</b> 400'
	<b>Is a variance required?:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	(If a variance is required, please explain the reason for the variance.)
	<b>Attach a list of all residences/businesses within 500 feet.</b>

**Applicant Signature:** Amy M. Kelley **Date:** 5-4-2022

*Please see the conditions for these permits on the back of this application.  
\* If Council approval is required, submit application at least 45 days before event.*

**Fees Received:** \_\_\_\_\_ **Date :** \_\_\_\_\_

**Final Approval Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_





**Rental Agreement for the  
Use of Alcohol in City Facilities**  
**Answers Should Be Provided on a Separate Sheet of Paper**

1. You will be civilly liable for any damage or injuries that may occur during your event.
2. You will be responsible for the cleanup of the facility and for any required repairs.
3. The event must conclude by 10:00 p.m. to be compliant with City ordinance or at the time approved by the City Council on the application.
4. Please provide a list of all neighboring businesses and residences and their addresses and phone numbers located within 500 feet of the activity. Each of these businesses or residents must be contacted with information about the event not more than 14 days, nor less than 7 days, prior to the event. The information must include a contact number for information requests or complaints.
5. If admission is charged at the event and alcohol is served, you must reserve the entire facility for the duration of the event.
6. Permit Applications for Alcohol Usage in City Facilities must be submitted to the City no less than 45 days before the event.
7. If alcohol is approved for service by the City Council, please provide a certificate of insurance for \$1,000,000, a hold-harmless agreement, and a copy of the OLCC license after approval of the Council at least two weeks before the event.
8. You must provide appropriate security during your event commensurate to the size of the event, i.e. one security trained and easily identifiable personnel for every 100 participants with a minimum two personnel on duty at all times.
9. You must have controls in place to insure that minors do not consume alcohol at your event. Please describe.
10. You must have controls in place to insure that the adults who drink stay within the rented area. Please describe.
11. If there are any changes as far as the amount of alcohol or the number of people attending, it is your responsibility to advise the City at 541-782-2258.
12. You must abide by the above conditions and any other stipulations the City may deem necessary.
13. If good order is not maintained at your event, the event may be shut down by the Oakridge Police Department for violation of a City ordinance.

Signature: \_\_\_\_\_

*Lynn M. Kelley*

5-4-22



**Temporary Sales License – Nonprofit Type 1  
(TSL-NP Type 1)**

**APPLICATION: Page 1 of 2**

1. Applicant Name: Amy M Kelley

2. Registry #: 319063-81

3. Please check the box that applies to the applicant:

- A nonprofit or charitable organization registered as such with the State of Oregon.  
 A state agency.  
 A local government, or an agency or department of local government.

4. Contact Person: Amy M Kelley

5. Contact Phone: 541-537-0851

6. Contact E-mail: oakridgekegcaskgeneral@gmail.com

7. Event Name: Oakridge Keg & Cask Festival

8. Date(s) of event (no more than 30 days): August 13, 2022

9. Start/End hours of alcohol service: 3 pm to 11 pm (Include am/pm)

10. Address of Special Event: E 1st St, Between Oak & Alder Oakridge 97463  
(street) (city) (zip code)

*If your event will be conducted at more than one address, use the address supplemental form at the end of this application to list the additional addresses.*

11. Is any part of the special event licensed premises outdoors?  Yes  No

- If yes, please submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

12. List the name(s) and service permit number(s) of alcohol manager(s) that will be on-duty and in the licensed area:  
Amy Kelley, permit # F8645J exp 6/17/2024, Kevin Gobleman, Bev McCulley, Jackie Taylor

13. What is the expected attendance per day in the area where alcohol will be sold or consumed? 500

- If the expected attendance per day in the licensed area (where alcohol will be sold or consumed) is 501 or more, please submit a Plan to Manage along with this application.
- If the expected attendance is 301 or more per day, the event must have at least \$300,000 of liquor liability insurance coverage (ORS 471.168) and you must also answer questions 14 and 15. If your answer is 300 or fewer per day, please skip questions 14 and 15.

14. Insurance Company: The American Insurance Group

15. Policy #: XXC80214929 / NAEP101254



**Temporary Sales License – Nonprofit Type 1  
(TSL-NP Type 1)**

**APPLICATION: Page 2 of 2**

**GOVERNMENT RECOMMENDATION:** Please read the instructions. You must obtain a recommendation from the local city or county named in #16 below before submitting this application to the OLCC. If there is more than one event address on this application, all the addresses for your event must be within the same local governing body jurisdiction.

16. Name the **CITY** if the event address is within a city's limits: Oakridge

**OR**

Name the **COUNTY** if the event address is outside the city's limits:

I affirm the following:

- Minors (people under the age of 21) and visibly intoxicated people will not be allowed to buy, possess, or consume alcohol.
- The only open containers of alcoholic beverage that may be taken off the licensed area are securely covered containers (growlers) of malt beverage, wine, or cider. I will not allow any other open container of alcoholic beverage to leave the licensed area.
- Marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the special event licensed premises.
- The event will meet the food service requirements of a TSL-NP Type 1 (see the Special Event Guide).
- The applicant is a nonprofit organization registered with the Oregon Secretary of State, a charitable organization registered with the Oregon Department of Justice, a state agency, or a local government or an agency or department of local government.
- I am authorized to sign this application on behalf of the applicant. Name of individual

signing (please print): Amy M Kelley

SIGNATURE (electronic signature acceptable): \_\_\_\_\_ Date: 05/31/2022

**CITY OR COUNTY USE ONLY:** The city/county named in #16 above recommends:

Grant     Acknowledge     Deny (attach written explanation of deny recommendation)

(Optional) City/County contact individual and phone number or email:

**City/County Signature:** \_\_\_\_\_

Date: \_\_\_\_\_

**FORM TO OLCC:** This license is valid only when signed by an OLCC representative. Submit your special event license application to the OLCC office serving the county in which your special event will happen. Find the OLCC office here: OLCC offices & the counties they serve.

**OLCC USE ONLY**    Fee Paid: \_\_\_\_\_    Date: \_\_\_\_\_    Receipt #: \_\_\_\_\_

License is  Approved     Denied

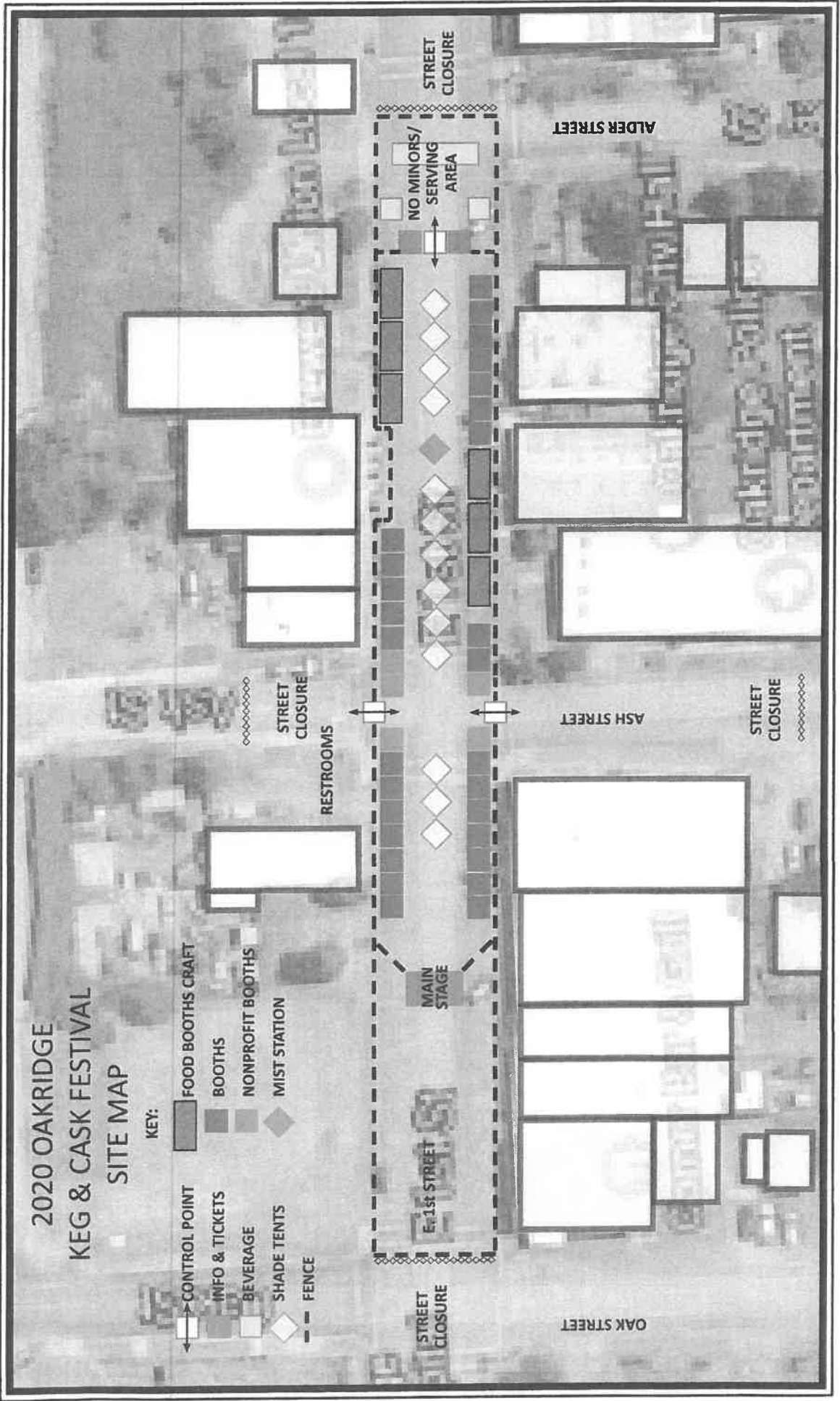
**OLCC Signature:** \_\_\_\_\_

Date: \_\_\_\_\_

# 2020 OAKRIDGE KEG & CASK FESTIVAL SITE MAP

KEY:

- CONTROL POINT
- INFO & TICKETS
- BEVERAGE
- SHADE TENTS
- FENCE
- FOOD BOOTHS CRAFT
- BOOTHS
- NONPROFIT BOOTHS
- MIST STATION





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/31/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER R.V. Nuccio & Associates Insurance Brokers, Inc. 10148 Riverside Drive Toluca Lake, CA 91602	CONTACT NAME: Robert V. Nuccio	FAX (A/C, No): (818) 980-1595	
	PHONE (A/C, No, Ext): (800) 364-2433	E-MAIL ADDRESS: support@rvnuccio.com	
INSURED Upper Willamette Community Development Corporation PO Box 677 Oakridge, OR 97463	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: The American Insurance Company		21857
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>	XXC80514929 NAEP101254	8/13/2022	08/15/2022	EACH OCCURRENCE	\$ 500,000
						DAMAGE TO RENTED PREMISES	\$ 50,000
						MEDICAL EXPENSE	\$ 0
						PERSONAL & ADV INJURY	\$ 500,000
						GENERAL AGGREGATE	\$ 1,000,000
						PRODUCTS - COMP/OP AGG	\$ 500,000
							\$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY					COMBINED SINGLE LIMIT	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
							\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	N/A			PER STATUTE	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
A	Liquor Liability		XXC80514929	8/13/2022	08/15/2022		500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Additional Insured: City Of Oakridge as additional insured.

<b>CERTIFICATE HOLDER</b> City Of Oakridge 48318 E. 1st St. Oakridge, OR 97463	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Robert V. Nuccio

**CITY OF OAKRIDGE**  
**REQUEST FOR COUNCIL ACTION**

<b>DATE ACTION REQUESTED:</b> June 2nd, 2022			
<b>Ordinance</b> <input type="checkbox"/>	<b>Resolution</b> <input checked="" type="checkbox"/>	<b>Motion</b> <input type="checkbox"/>	<b>Information</b> <input type="checkbox"/>
<b>Date Prepared:</b> June 1st, 2022		<b>Dept.:</b> City Administrator's Office	
<b>SUBJECT:</b> Lane County Deadly Physical Force Plan Amendment		<b>Contact Person for this Item:</b> Kevin Martin, Pro-Tem City Administrator   <a href="mailto:cityadministrator@ci.oakridge.or.us">cityadministrator@ci.oakridge.or.us</a>   (541) 782-2258	

**SUBJECT:**

Resolution 2022-1 to Approve The Amended Lane County Deadly Physical Force Plan.

**BACKGROUND:**

The Oregon State Legislature has adopted Senate Bill 111, Oregon Laws 2007 directing Lane County Agencies to Adopt a Lane County Deadly Physical Force Plan. The Plan was originally adopted in 2008, what is before you is an Amended Lane County Deadly Physical Force Plan. The amended plan was adopted by the Lane County Board of Commissioners in March of 2022. Senate Bill 111, Oregon Laws 2007 requires submission of the plan and subsequent amendments for approval to the governing body of each law enforcement agency within Lane County.

**RECOMMENDATION:**

Staff recommends acceptance by a motion of the Council.

**RECOMMENDED MOTION:**

*"I move to approve Resolution 2022-1 Approving the Amended Lane County Deadly Physical Force Plan as presented."*

**ALTERNATIVE MOTION:**

*"I move to continue the discussion at the next regularly scheduled City Council meeting."*

**FINANCIAL IMPACT:**

Unknown.

**ATTACHMENT:**

- A. Resolution 2022-1 and Exhibit A Deadly Physical Force Plan

CITY OF OAKRIDGE OREGON

RESOLUTION NO. 2022-1

A RESOLUTION APPROVING THE AMENDED  
LANE COUNTY DEADLY PHYSICAL FORCE PLAN

RECITALS:

1. The use of deadly physical force by police officers within the City of Oakridge, Oregon is a matter of importance.
2. The Oregon Legislature has adopted Senate Bill 111, Oregon Laws 2007 directing the appointment of a Lane County Deadly Force Planning Authority, and further directing that Authority to adopt a Lane County Deadly Physical Force Plan "Plan".
3. The duly designated and appointed Lane County Deadly Force Planning Authority has prepared such a Plan in 2008 and subsequently prepared an amendment to the Plan, the amendment was approved by the Lane County Board of Commissioners in March 2022.
4. Senate Bill 111, Oregon Laws 2007 requires the submission of the Plan and subsequent amendments for approval to the governing body of each law enforcement agency within Lane County.
5. By the terms of Senate Bill 111, the Lane County Deadly Force Planning Authority has submitted to the Oakridge City Council to consider approval or disapproval of the Plan as submitted with the 2022 amendment.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF OAKRIDGE RESOLVES AS FOLLOWS:

1. As a law enforcement jurisdiction within Lane County, the 2022 Amendment to the Lane County Deadly Physical Force Plan is approved by the Oakridge City Council. The 2022 Lane County Deadly Physical Force Plan is attached hereto as Exhibit A and supersedes, in total, the prior 2008 version of the Plan.
2. This Resolution shall become effective immediately upon adoption.

**ADOPTION:**

This Resolution is passed and adopted on the 2<sup>nd</sup> day of June, 2022.

---

Christina Hollett, Mayor

**Attest:**

---

Jackie Taylor, Assistant City Recorder



Exhibit A

**DEADLY  
PHYSICAL  
FORCE  
PLAN**

**As Amended and Approved by Lane County  
Board of Commissioners in March 2022 by  
ORDER NO: 22-03-29-04**

**Lane County  
Use of Deadly Physical Force  
Planning Authority**

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## Preamble

The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats the law enforcement officer fairly, and promotes public confidence in the criminal justice system.

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- (1) In the event that a member of the planning authority is unable to continue to serve, a replacement shall be appointed as provided in Section 2(1) of Senate Bill 111, Oregon Laws 2007.
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#### **Section 4: Immediate Aftermath**

- (1) When an officer uses deadly physical force, the officer shall immediately take whatever steps are reasonable and necessary to protect the safety of the officer and any member of the public.
  - (a) After taking such steps, the officer shall immediately notify his or her agency of the use of deadly physical force.
  - (b) Thereafter, the officer, if able, shall take such steps as are reasonably necessary to preserve the integrity of the scene and to preserve evidence.
  - (c) Upon request, the officer shall provide information regarding the circumstances as necessary to protect persons and property, preserve any evidence, and to provide a framework for the investigation.
- (2) If the use of deadly physical force results in physical injury, the Agency may employ its own resources to investigate and document the incident.

- (a) This section does not prohibit the Agency from requesting assistance from an outside law enforcement agency.

## Section 5: Serious Physical Injury/Death

When the use of deadly physical force results in death or serious physical injury to any person, in addition to the requirements of Section 4 (1) of this Plan, and notwithstanding agency policy, the following provisions apply:

- (1) Upon the arrival of additional officers, sufficient to manage the scene, each Involved Officer shall be relieved of the above duties set forth in Section 4 (1) of the Plan, and the duties shall be re-assigned to uninvolved police personnel.
- (2) As soon as practicable, each Involved Officer shall leave the scene, as directed by his or her supervisor, and be offered an opportunity for a medical examination. If the officer is not in need of medical treatment, the officer shall be taken to the Agency offices. If requested by the Involved Officer, the officer's union representative shall be notified.
- (3) As soon as practicable, the duty weapon of any officer who fired their weapon or who was in the immediate vicinity where weapons were fired, shall be seized by investigators, and replaced with a substitute weapon, if appropriate.
- (4) Interview of an "Involved Officer":

As used in this section "interview" refers to formal interview of the officer by assigned investigative personnel that occurs a reasonable time after the incident, and after the officer has had an opportunity to consult with counsel, if so desired.

- (a) The interview of the involved officer(s) who discharged a firearm during a use of deadly physical force incident resulting in death or serious physical injury, shall occur after a reasonable period of time to prepare for the interview and taking into account the emotional and physical state of the officer(s). The interview shall occur no sooner than 48 hours after the incident, unless this waiting period is waived by the officer.
- (b) The waiting period does not preclude an initial on-scene conversation with the officer to assess and make an initial evaluation of the incident.
- (c) The on-scene supervisor shall take immediate action to stabilize the situation, ensure notification of the appropriate staff and agencies, and shall obtain a

preliminary statement from the involved officer as soon as possible. The purpose in obtaining this statement will be to obtain public safety information (e.g. outstanding suspects, location of evidence, direction of travel, etc.).

- (d) The scene shall be secured and managed consistent with the control of any other major crime scene. Only personnel necessary to conduct the investigation shall be permitted access to the scene. When it is determined that no evidence will be contaminated or destroyed, the officer (s) involved may conduct a “walk through) to assist in the investigation.
- (5) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death of a person, a law enforcement agency may not return an Involved Officer to duties that might place the officer in a situation in which the officer has to use deadly force.
  - (a) Officer (s) involved in discharging his or her firearm that results in death or serious physical injury shall immediately be placed on administrative leave until such time as sufficient information exists to determine the justification in the use of deadly physical force and that the officer (s) have had an opportunity for mental health counseling with an outcome that no issues would preclude the officer (s) from performing the duties of a police officer.
- (6) In the 6 months following a use of deadly physical force incident that results in a death, the Agency shall offer each Involved Officer a minimum of two opportunities for mental health counseling. The officer shall be required to attend at least one session of mental health counseling.
  - (a) At agency expense, the involved officer (s) shall be scheduled for an appointment with a licensed mental health counselor for a counseling session with a follow-up session scheduled at a date determined by the mental health professional.
  - (b) The counseling sessions are not to be considered fitness for duty evaluations, and are to be considered privileged between the officer and counselor.
- (7) After consultation with the involved officer, the Agency or officer shall notify the officer’s family according to the Agency’s General Order, or other policy regarding such notification.
- (8) As soon as practicable after the arrival of a supervisor, notification shall be made to the District Attorney as provided in Section 8 (1) of this Plan.

- (a) This provision does not prevent the Agency from requiring additional notification requirements within their respective agency policies.
- (9) In the event of a use of deadly force that results in death or serious physical injury, the investigation shall be conducted by the Interagency Deadly Force Investigations Team (IDFIT). A written agreement shall be adopted and approved by each jurisdiction employing a law enforcement agency. At a minimum, the agreement shall provide for:
  - (a) A mission statement.
  - (b) Who will be the supervisor of the investigating officers, and the manner in which conflicts of interest will be resolved.
  - (c) The membership of the team, and the manner for selecting the members.
  - (d) Investigative protocols that do not conflict with the requirements of this Plan.
  - (e) Training of the members in the investigation of use of deadly force incidents.
  - (f) The assignment of at least one officer from an agency other than the involved officer's agency.
  - (g) The assignment of at least one officer from the involved officer's agency.
- (10) In the event that a conflict exists in the use of the IDFIT, the Involved Officer's Agency and the District Attorney shall consult and determine the appropriate manner in which the investigation will proceed.
- (11) The assignment of outside investigative personnel does not preclude the agency involved from conducting a concurrent investigation for administrative purposes as established by that agency. Such investigations may be necessary for civil preparation, determination of policy violations or training issues.
- (12) In order to preserve the integrity of the investigation and prosecution, if one occurs, the scene supervisor and investigative supervisor shall notify all involved officers to refrain from making public statements about the investigation, until



## Section 7: District Attorney

- (1) When an incident of the use of deadly physical force by an officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable notify the District Attorney's Office.
  - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the other elements of this plan.
- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
  - (a) Preliminary Hearings will not be used as a method of reviewing an officer's use of deadly force.
  - (b) The District Attorney will consult with the investigating agency and make the decision on whether to present the case to a Grand Jury.
    - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
  - (c) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the investigating agency, the involved officer's agency, and the involved officer's representative.
  - (d) If the District Attorney decides that the investigation reveals that the officers use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public.
- (4) If the use of deadly physical force results in physical injury to someone other than a police officer, upon completion of the investigation, all investigative information shall be forwarded to the District Attorney for review.

## Section 8: Debriefing

The use of deadly physical force by an officer has the potential to create strong emotional reactions which have the potential to interfere with an officer's ability to function. These reactions may be manifested immediately, or over time. Further, these reactions may occur not only in an officer directly involved in the incident, but also in other officers within the Agency.

The requirements of this section provide a minimum framework, and are not intended to take the place of Agency policy. Agencies are encouraged to develop formal procedures to deal with an officer's stress response following a use of deadly force incident. Such policies should include a procedure that is implemented from the time of the incident and continue over time.

- (1) Upon a final determination by the District Attorney, the Agency shall conduct an internal review of the matter for compliance with agency policy. Such review, at a minimum shall include a review of the incident with the involved officer.
- (2) If the incident is of such a magnitude that agency-wide morale is implicated, the Agency shall take such steps as it deems necessary to ensure professional police services are provided, and to develop strategies to restore morale.
- (3) Each agency shall provide for a process for any officer who makes a request, to participate in a critical incident debriefing.
- (4) If available, agencies should encourage officers to take advantage of Employee Assistance Programs, and if appropriate, agencies should request assistance from other agencies that may have in place formal programs for dealing with critical incidents.

## Section 9: Reporting, training, outreach

- (1) Each law enforcement agency within Lane County, shall include in the agency policy regarding the use of deadly force, a provision regarding engaging members of the community in a discussion regarding the Agency's policies on the use of deadly force, and well as discussions regarding the use of deadly force by the Agency's personnel.

- (2) Each law enforcement agency within Lane County shall provide a copy of this Plan to every officer, incorporate the plan into agency policy documents and provide training to officers on the implementation of the plan.
- (3) Upon the conclusion of the investigation, the announcement by the District Attorney pursuant to Section 8 (3) of this Plan, and the debriefing, the Agency shall complete the Attorney General's report regarding the use of force, and submit the report to the Attorney General.
- (4) The Board and Department of Public Safety Standards and Training requires 8 hours per year, 24 hours over a 3 year period of training from either the "firearms" or "use of force" subject areas. Each agency subject to this Plan shall require that a minimum of 4 hours per year, 12 hours over a 3 year period, of that training be on the use of force. The training must include education on the agency's use of force policy. This training may also include, but is not limited to:
  - a. Defensive Tactics.
  - b. Tactical Shooting.
  - c. SWAT training.
  - d. Use of force in making an arrest.
  - e. Use of less than lethal force.
  - f. Crisis intervention and the use of force.
  - g. Use of force in dealing with the mentally ill.

Each agency shall have a written policy and monitoring system to ensure that the standards are met.

- (5) Upon adoption of this Plan, to the extent they are fiscally able, each agency shall take steps to publicize the Plan to their respective communities, by providing information to the media, general public, community organizations, and quasi-governmental bodies.
- (6) At least once per calendar year, the Agencies subject to this Plan shall collectively conduct a seminar intended to educate the media, government lawyers, and selected members of the Lane County community in the use of force by law enforcement officers ,and the investigation of such incidents.
- (7) Prior to the adoption of this Plan, the Planning Authority shall take steps to engage the Lane County community in a discussion regarding the purpose of the

Plan, and the elements contained therein. Such steps shall include, but are not limited to general public release of the draft, discussion with the media, providing the draft to agency employees, union representatives, elected officials, and members of relevant boards or commissions.

## **Section 10: Fiscal Impact**

- (1) At the conclusion of each fiscal year following the adoption of the Plan, each agency shall submit to the administrator of the Plan, a report outlining the fiscal impact of each element of the Plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

## **Section 11: Plan Revision**

- (1) As provided in the IDFIT written agreement, the Planning Authority shall meet to review and discuss the operation of the Plan and the IDIFT.
- (2) If a revision of the Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.

## **2022 Amendment to Deadly Physical Force Plan**

Pursuant to ORS 161.195 to 161.275, as amended by section 8 of House Bill 4301, Oregon Laws 2020, the objective of the Interagency Deadly Force Investigations Team will be to investigate to determine the following:

- (1) Whether the involved officer(s) use of deadly physical force was objectively reasonable, under the totality of the circumstances known to the peace officer, to believe that the person against whom force was used posed an imminent threat of death or serious physical injury to the peace officer or a third person and the use of deadly force was necessary to (1) make a lawful arrest when the peace officer had probable cause to believe the person had committed a violent felony, (2) defend the peace officer or a third person from imminent death or serious physical injury, or (3) to prevent the escape from custody of the person when probable cause exists to believe the person committed a violent felony; and**
- (2) Whether there was a reasonable opportunity prior to the use of deadly physical force for the involved officer to (1) consider alternatives to the use of deadly physical force, or (2) give a verbal warning to the person that deadly physical force may be used with time for the person to comply.**



## AGENDA COVER MEMO

Memorandum Date: March 14, 2022

Order Date:

---

TO: Board of County Commissioners

DEPARTMENT: District Attorney

PRESENTED BY: Patricia W. Perlow

AGENDA ITEM TITLE: ORDER/In the Matter of Approving the Amendment to the Lane County Interagency Deadly Physical Force Plan

---

I. MOTION

MOVE APPROVAL OF THE AMENDMENT TO THE LANE COUNTY INTERAGENCY DEADLY PHYSICAL FORCE PLAN.

II. AGENDA ITEM SUMMARY

The Lane County District Attorney is the co-chair of the Lane County Interagency Deadly Physical Force Planning Authority. The Planning Authority recently met and approved the attached amendment to the Lane County Interagency Deadly Physical Force Plan.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The 2007 Oregon legislature passed Senate Bill 111 which requires all counties to create a Use of Deadly Physical Force Planning Authority and develop a Deadly Physical Force Plan. The District Attorney and Sheriff in each county are the statutorily designated co-chairs of the Planning Authority. The Planning Authority met on March 14, 2022 and adopted the attached amendment. The amended plan will be submitted for approval by the governing bodies, and the Oregon Attorney General.

B. Policy Issues

None.

C. Board Goals

This relates to County goals and the Strategic Plan goals of protecting and enhancing the safety and health of Lane County residents with a focus on enhancing and managing resources, improving access to, prevention programs, and collaborative initiatives. (Safe Healthy County)

D. Financial and/or Resource Considerations

None.

E. Health Implications

None.

F. Analysis

The Lane County Interagency Deadly Physical Force Planning Authority is responsible for reviewing the plan and proposing amendments as appropriate. Pursuant to ORS 161.195 to 161.275, as amended by section 8 of House Bill 4301, Oregon Laws 2020, the Planning Authority has approved the attached amendment.

F. Alternatives/Options

None.

IV. RECOMMENDATION

Recommend that the Board of County Commissioners approve the amendment to the Lane County Interagency Deadly Physical Force Plan (attached).

V. TIMING/IMPLEMENTATION

The plan will be submitted to the governing bodies and the Oregon Attorney General for approval.

VI. FOLLOW-UP

None.

VII. ATTACHMENTS

Lane County Interagency Deadly Physical Force Plan and 2022 Amendment to the Lane County Interagency Deadly Physical Force Plan.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 22-03-29-04

In the Matter of Approving the Amendment to  
the Lane County Deadly Physical Force Plan

**WHEREAS**, the 2007 Oregon legislature passed Senate Bill 111 which requires the Sheriff and District Attorney as co-chairs of the planning authority to prepare a Deadly Physical Force Plan; and

**WHEREAS**, the Lane County Use of Deadly Physical Force Planning Authority has prepared an amendment to the plan and submitted it to the Board of County Commissioners for approval; and

**WHEREAS**, the Board has considered the amendment to the plan and being otherwise fully advised;

**NOW, THEREFORE**, the Board of County Commissioners of Lane County **ORDERS** as follows:

That the Lane County Board of Commissioners approves the amendment to the Lane County Deadly Physical Force Plan amendment submitted to it by the Lane County Use of Deadly Physical Force Planning Authority.

**ADOPTED** this 29th day of March, 2022.

---

Pat Farr, Chair  
Lane County Board of Commissioners



## **2022 Amendment to Deadly Physical Force Plan**

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# DEADLY PHYSICAL FORCE PLAN

Lane County  
Use of Deadly Physical Force  
Planning Authority

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- (d) The scene shall be secured and managed consistent with the control of any other major crime scene. Only personnel necessary to conduct the investigation shall be permitted access to the scene. When it is determined that no evidence will be contaminated or destroyed, the officer (s) involved may conduct a “walk through) to assist in the investigation.
- (5) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death of a person, a law enforcement agency may not return an Involved Officer to duties that might place the officer in a situation in which the officer has to use deadly force.
  - (a) Officer (s) involved in discharging his or her firearm that results in death or serious physical injury shall immediately be placed on administrative leave until such time as sufficient information exists to determine the justification in the use of deadly physical force and that the officer (s) have had an opportunity for mental health counseling with an outcome that no issues would preclude the officer (s) from performing the duties of a police officer.
- (6) In the 6 months following a use of deadly physical force incident that results in a death, the Agency shall offer each Involved Officer a minimum of two opportunities for mental health counseling. The officer shall be required to attend at least one session of mental health counseling.
  - (a) At agency expense, the involved officer (s) shall be scheduled for an appointment with a licensed mental health counselor for a counseling session with a follow-up session scheduled at a date determined by the mental health professional.
  - (b) The counseling sessions are not to be considered fitness for duty evaluations, and are to be considered privileged between the officer and counselor.
- (7) After consultation with the involved officer, the Agency or officer shall notify the officer’s family according to the Agency’s General Order, or other policy regarding such notification.
- (8) As soon as practicable after the arrival of a supervisor, notification shall be made to the District Attorney as provided in Section 8 (1) of this Plan.



- (a) This provision does not prevent the Agency from requiring additional notification requirements within their respective agency policies.
- (9) In the event of a use of deadly force that results in death or serious physical injury, the investigation shall be conducted by the Interagency Deadly Force Investigations Team (IDFIT). A written agreement shall be adopted and approved by each jurisdiction employing a law enforcement agency. At a minimum, the agreement shall provide for:
  - (a) A mission statement.
  - (b) Who will be the supervisor of the investigating officers, and the manner in which conflicts of interest will be resolved.
  - (c) The membership of the team, and the manner for selecting the members.
  - (d) Investigative protocols that do not conflict with the requirements of this Plan.
  - (e) Training of the members in the investigation of use of deadly force incidents.
  - (f) The assignment of at least one officer from an agency other than the involved officer's agency.
  - (g) The assignment of at least one officer from the involved officer's agency.
- (10) In the event that a conflict exists in the use of the IDFIT, the Involved Officer's Agency and the District Attorney shall consult and determine the appropriate manner in which the investigation will proceed.
- (11) The assignment of outside investigative personnel does not preclude the agency involved from conducting a concurrent investigation for administrative purposes as established by that agency. Such investigations may be necessary for civil preparation, determination of policy violations or training issues.
- (12) In order to preserve the integrity of the investigation and prosecution, if one occurs, the scene supervisor and investigative supervisor shall notify all involved officers to refrain from making public statements about the investigation, until

such time as the investigation has concluded and the District Attorney has made a determination regarding the criminal responsibility of all involved persons.

- (13) The Agency shall designate a representative to make an initial public statement about the incident. Such statement shall include:
  - (a) The time and place of the incident.
  - (b) The condition of any suspect.
  - (c) The nature of the use of deadly physical force.
- (14) Prior to a final determination being made by the District Attorney, the District Attorney and the primary investigative agency shall consult with each other and make a public release of information as is deemed appropriate.

## Section 6: Investigation Protocols

- (1) The investigation, at a minimum, shall consist of:
  - (a) Eyewitness interviews.
  - (b) Evidence collection. (c)  
Scene documentation.
  - (d) Background interviews.
  - (e) Involved Officer interview(s)
- (2) The investigation shall be documented in written reports.
  - (a) The IDFIT shall include in the Standard Operating Procedure, a provision regarding the filing of reports regarding the criminal investigation. All police reports regarding the criminal investigation shall be made available to the IDFIT.
  - (b) All police reports shall be provided to the District Attorney.

## Section 7: District Attorney

- (1) When an incident of the use of deadly physical force by an officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable notify the District Attorney's Office.
  - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the other elements of this plan.
- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
  - (a) Preliminary Hearings will not be used as a method of reviewing an officer's use of deadly force.
  - (b) The District Attorney will consult with the investigating agency and make the decision on whether to present the case to a Grand Jury.
    - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
  - (c) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the investigating agency, the involved officer's agency, and the involved officer's representative.
  - (d) If the District Attorney decides that the investigation reveals that the officers use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public.
- (4) If the use of deadly physical force results in physical injury to someone other than a police officer, upon completion of the investigation, all investigative information shall be forwarded to the District Attorney for review.

## Section 8: Debriefing

The use of deadly physical force by an officer has the potential to create strong emotional reactions which have the potential to interfere with an officer's ability to function. These reactions may be manifested immediately, or over time. Further, these reactions may occur not only in an officer directly involved in the incident, but also in other officers within the Agency.

The requirements of this section provide a minimum framework, and are not intended to take the place of Agency policy. Agencies are encouraged to develop formal procedures to deal with an officer's stress response following a use of deadly force incident. Such policies should include a procedure that is implemented from the time of the incident and continue over time.

- (1) Upon a final determination by the District Attorney, the Agency shall conduct an internal review of the matter for compliance with agency policy. Such review, at a minimum shall include a review of the incident with the involved officer.
- (2) If the incident is of such a magnitude that agency-wide morale is implicated, the Agency shall take such steps as it deems necessary to ensure professional police services are provided, and to develop strategies to restore morale.
- (3) Each agency shall provide for a process for any officer who makes a request, to participate in a critical incident debriefing.
- (4) If available, agencies should encourage officers to take advantage of Employee Assistance Programs, and if appropriate, agencies should request assistance from other agencies that may have in place formal programs for dealing with critical incidents.

## Section 9: Reporting, training, outreach

- (1) Each law enforcement agency within Lane County, shall include in the agency policy regarding the use of deadly force, a provision regarding engaging members of the community in a discussion regarding the Agency's policies on the use of deadly force, and well as discussions regarding the use of deadly force by the Agency's personnel.

- (2) Each law enforcement agency within Lane County shall provide a copy of this Plan to every officer, incorporate the plan into agency policy documents and provide training to officers on the implementation of the plan.
- (3) Upon the conclusion of the investigation, the announcement by the District Attorney pursuant to Section 8 (3) of this Plan, and the debriefing, the Agency shall complete the Attorney General's report regarding the use of force, and submit the report to the Attorney General.
- (4) The Board and Department of Public Safety Standards and Training requires 8 hours per year, 24 hours over a 3 year period of training from either the "firearms" or "use of force" subject areas. Each agency subject to this Plan shall require that a minimum of 4 hours per year, 12 hours over a 3 year period, of that training be on the use of force. The training must include education on the agency's use of force policy. This training may also include, but is not limited to:
  - a. Defensive Tactics.
  - b. Tactical Shooting.
  - c. SWAT training.
  - d. Use of force in making an arrest.
  - e. Use of less than lethal force.
  - f. Crisis intervention and the use of force.
  - g. Use of force in dealing with the mentally ill.

Each agency shall have a written policy and monitoring system to ensure that the standards are met.

- (5) Upon adoption of this Plan, to the extent they are fiscally able, each agency shall take steps to publicize the Plan to their respective communities, by providing information to the media, general public, community organizations, and quasi-governmental bodies.
- (6) At least once per calendar year, the Agencies subject to this Plan shall collectively conduct a seminar intended to educate the media, government lawyers, and selected members of the Lane County community in the use of force by law enforcement officers ,and the investigation of such incidents.
- (7) Prior to the adoption of this Plan, the Planning Authority shall take steps to engage the Lane County community in a discussion regarding the purpose of the

Plan, and the elements contained therein. Such steps shall include, but are not limited to general public release of the draft, discussion with the media, providing the draft to agency employees, union representatives, elected officials, and members of relevant boards or commissions.

## **Section 10: Fiscal Impact**

- (1) At the conclusion of each fiscal year following the adoption of the Plan, each agency shall submit to the administrator of the Plan, a report outlining the fiscal impact of each element of the Plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

## **Section 11: Plan Revision**

- (1) As provided in the IDFIT written agreement, the Planning Authority shall meet to review and discuss the operation of the Plan and the IDFIT.
- (2) If a revision of the Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.



## AGENDA COVER MEMO

Memorandum Date: March 14, 2022

Order Date:

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TO: Board of County Commissioners

DEPARTMENT: District Attorney

PRESENTED BY: Patricia W. Perlow

AGENDA ITEM TITLE: ORDER/In the Matter of Approving the Amendment to the Lane County Interagency Deadly Physical Force Plan

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### I. MOTION

MOVE APPROVAL OF THE AMENDMENT TO THE LANE COUNTY INTERAGENCY DEADLY PHYSICAL FORCE PLAN.

### II. AGENDA ITEM SUMMARY

The Lane County District Attorney is the co-chair of the Lane County Interagency Deadly Physical Force Planning Authority. The Planning Authority recently met and approved the attached amendment to the Lane County Interagency Deadly Physical Force Plan.

### III. BACKGROUND/IMPLICATIONS OF ACTION

#### A. Board Action and Other History

The 2007 Oregon legislature passed Senate Bill 111 which requires all counties to create a Use of Deadly Physical Force Planning Authority and develop a Deadly Physical Force Plan. The District Attorney and Sheriff in each county are the statutorily designated co-chairs of the Planning Authority. The Planning Authority met on March 14, 2022 and adopted the attached amendment. The amended plan will be submitted for approval by the governing bodies, and the Oregon Attorney General.

#### B. Policy Issues

None.

C. Board Goals

This relates to County goals and the Strategic Plan goals of protecting and enhancing the safety and health of Lane County residents with a focus on enhancing and managing resources, improving access to, prevention programs, and collaborative initiatives. (Safe Healthy County)

D. Financial and/or Resource Considerations

None.

E. Health Implications

None.

F. Analysis

The Lane County Interagency Deadly Physical Force Planning Authority is responsible for reviewing the plan and proposing amendments as appropriate. Pursuant to ORS 161.195 to 161.275, as amended by section 8 of House Bill 4301, Oregon Laws 2020, the Planning Authority has approved the attached amendment.

F. Alternatives/Options

None.

IV. RECOMMENDATION

Recommend that the Board of County Commissioners approve the amendment to the Lane County Interagency Deadly Physical Force Plan (attached).

V. TIMING/IMPLEMENTATION

The plan will be submitted to the governing bodies and the Oregon Attorney General for approval.

VI. FOLLOW-UP

None.

VII. ATTACHMENTS

Lane County Interagency Deadly Physical Force Plan and 2022 Amendment to the Lane County Interagency Deadly Physical Force Plan.



BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 22-03-29-04

In the Matter of Approving the Amendment to  
the Lane County Deadly Physical Force Plan

**WHEREAS**, the 2007 Oregon legislature passed Senate Bill 111 which requires the Sheriff and District Attorney as co-chairs of the planning authority to prepare a Deadly Physical Force Plan; and

**WHEREAS**, the Lane County Use of Deadly Physical Force Planning Authority has prepared an amendment to the plan and submitted it to the Board of County Commissioners for approval; and

**WHEREAS**, the Board has considered the amendment to the plan and being otherwise fully advised;

**NOW, THEREFORE**, the Board of County Commissioners of Lane County **ORDERS** as follows:

That the Lane County Board of Commissioners approves the amendment to the Lane County Deadly Physical Force Plan amendment submitted to it by the Lane County Use of Deadly Physical Force Planning Authority.

**ADOPTED** this 29th day of March, 2022.

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Pat Farr, Chair  
Lane County Board of Commissioners

## **2022 Amendment to Deadly Physical Force Plan**

Pursuant to ORS 161.195 to 161.275, as amended by section 8 of House Bill 4301, Oregon Laws 2020, the objective of the Interagency Deadly Force Investigations Team will be to investigate to determine the following:

- (1) Whether the involved officer(s) use of deadly physical force was objectively reasonable, under the totality of the circumstances known to the peace officer, to believe that the person against whom force was used posed an imminent threat of death or serious physical injury to the peace officer or a third person and the use of deadly force was necessary to (1) make a lawful arrest when the peace officer had probable cause to believe the person had committed a violent felony, (2) defend the peace officer or a third person from imminent death or serious physical injury, or (3) to prevent the escape from custody of the person when probable cause exists to believe the person committed a violent felony; and
- (2) Whether there was a reasonable opportunity prior to the use of deadly physical force for the involved officer to (1) consider alternatives to the use of deadly physical force, or (2) give a verbal warning to the person that deadly physical force may be used with time for the person to comply.

# DEADLY PHYSICAL FORCE PLAN

Lane County  
Use of Deadly Physical Force  
Planning Authority

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## Members of the Planning Authority (rev. 1/25/2021)

Patricia Perlow, Lane County District Attorney (co-chair)  
Sheriff Cliff Harrold, Lane County (co-chair)  
Lieutenant Craig Flierl, Oregon State Police  
Chief Andrew Shearer, Springfield Police Department  
Deputy Eric Churchill, Labor Union Representative  
David Crowell, Public Member

On January 2, 2007, this Plan was approved by the Planning Authority, and submitted for approval to governing bodies of the following jurisdictions:

Lane County-----Approved February 20, 2008  
City of Coburg-----Approved February 12, 2008  
City of Cottage Grove-----Approved January 14, 2008  
City of Eugene-----Approved March 10, 2008  
City of Florence-----Approved February 4, 2008  
City of Junction City-----Approved February 12, 2008  
City of Oakridge-----Approved January 17, 2008  
City of Springfield-----Approved January 17, 2008

## Preamble

The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats the law enforcement officer fairly, and promotes public confidence in the criminal justice system.

## Section 1: Administration

- (1) In the event that a member of the planning authority is unable to continue to serve, a replacement shall be appointed as provided in Section 2(1) of Senate Bill 111, Oregon Laws 2007.
- (2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
- (3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
- (4) Any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

## Section 2: Applicability of the Plan

- (1) This plan shall be applicable, as set forth herein, to any use of deadly physical force by a police officer acting in the course of and in furtherance of his/her official duties, occurring within Lane County.

## Section 3: Definitions

**Agency –** Means the law enforcement organization employing the officer who used deadly physical force.

**Plan -** Means the final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General. Any approved revisions shall become a part of the Plan.

<b>Police-Officer</b>	Means a police officer or reserve officer as defined in ORS 181.610 and who is employed by a law enforcement agency to enforce the criminal laws of the State of Oregon.
<b>Deadly – Physical Force</b>	Means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.
<b>Serious-Physical Injury</b>	Has the same meaning as “serious physical injury” as defined in ORS 161.015(8).
<b>Physical-Injury</b>	Means impairment of physical condition or substantial pain that does not amount to “serious physical injury.”
<b>Involved-Officer</b>	Means the person whose official conduct, or official order, was the cause in fact of the death of a person. “Involved Officer” also means an officer whose conduct was not the cause in fact of the death, but who was involved in the incident before or during the use of deadly physical force, and this involvement was reasonably likely to expose the officer to a heightened level of stress or trauma.

## Section 4: Immediate Aftermath

- (1) When an officer uses deadly physical force, the officer shall immediately take whatever steps are reasonable and necessary to protect the safety of the officer and any member of the public.
  - (a) After taking such steps, the officer shall immediately notify his or her agency of the use of deadly physical force.
  - (b) Thereafter, the officer, if able, shall take such steps as are reasonably necessary to preserve the integrity of the scene and to preserve evidence.
  - (c) Upon request, the officer shall provide information regarding the circumstances as necessary to protect persons and property, preserve any evidence, and to provide a framework for the investigation.
- (2) If the use of deadly physical force results in physical injury, the Agency may employ its own resources to investigate and document the incident.

- (a) This section does not prohibit the Agency from requesting assistance from an outside law enforcement agency.

## Section 5: Serious Physical Injury/Death

When the use of deadly physical force results in death or serious physical injury to any person, in addition to the requirements of Section 4 (1) of this Plan, and notwithstanding agency policy, the following provisions apply:

- (1) Upon the arrival of additional officers, sufficient to manage the scene, each Involved Officer shall be relieved of the above duties set forth in Section 4 (1) of the Plan, and the duties shall be re-assigned to uninvolved police personnel.
- (2) As soon as practicable, each Involved Officer shall leave the scene, as directed by his or her supervisor, and be offered an opportunity for a medical examination. If the officer is not in need of medical treatment, the officer shall be taken to the Agency offices. If requested by the Involved Officer, the officer's union representative shall be notified.
- (3) As soon as practicable, the duty weapon of any officer who fired their weapon or who was in the immediate vicinity where weapons were fired, shall be seized by investigators, and replaced with a substitute weapon, if appropriate.

- (4) Interview of an "Involved Officer":

As used in this section "interview" refers to formal interview of the officer by assigned investigative personnel that occurs a reasonable time after the incident, and after the officer has had an opportunity to consult with counsel, if so desired.

- (a) The interview of the involved officer(s) who discharged a firearm during a use of deadly physical force incident resulting in death or serious physical injury, shall occur after a reasonable period of time to prepare for the interview and taking into account the emotional and physical state of the officer(s). The interview shall occur no sooner than 48 hours after the incident, unless this waiting period is waived by the officer.
- (b) The waiting period does not preclude an initial on-scene conversation with the officer to assess and make an initial evaluation of the incident.
- (c) The on-scene supervisor shall take immediate action to stabilize the situation, ensure notification of the appropriate staff and agencies, and shall obtain a



preliminary statement from the involved officer as soon as possible. The purpose in obtaining this statement will be to obtain public safety information (e.g. outstanding suspects, location of evidence, direction of travel, etc.).

- (d) The scene shall be secured and managed consistent with the control of any other major crime scene. Only personnel necessary to conduct the investigation shall be permitted access to the scene. When it is determined that no evidence will be contaminated or destroyed, the officer (s) involved may conduct a “walk through) to assist in the investigation.
- (5) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death of a person, a law enforcement agency may not return an Involved Officer to duties that might place the officer in a situation in which the officer has to use deadly force.
  - (a) Officer (s) involved in discharging his or her firearm that results in death or serious physical injury shall immediately be placed on administrative leave until such time as sufficient information exists to determine the justification in the use of deadly physical force and that the officer (s) have had an opportunity for mental health counseling with an outcome that no issues would preclude the officer (s) from performing the duties of a police officer.
- (6) In the 6 months following a use of deadly physical force incident that results in a death, the Agency shall offer each Involved Officer a minimum of two opportunities for mental health counseling. The officer shall be required to attend at least one session of mental health counseling.
  - (a) At agency expense, the involved officer (s) shall be scheduled for an appointment with a licensed mental health counselor for a counseling session with a follow-up session scheduled at a date determined by the mental health professional.
  - (b) The counseling sessions are not to be considered fitness for duty evaluations, and are to be considered privileged between the officer and counselor.
- (7) After consultation with the involved officer, the Agency or officer shall notify the officer’s family according to the Agency’s General Order, or other policy regarding such notification.
- (8) As soon as practicable after the arrival of a supervisor, notification shall be made to the District Attorney as provided in Section 8 (1) of this Plan.

- (a) This provision does not prevent the Agency from requiring additional notification requirements within their respective agency policies.
- (9) In the event of a use of deadly force that results in death or serious physical injury, the investigation shall be conducted by the Interagency Deadly Force Investigations Team (IDFIT). A written agreement shall be adopted and approved by each jurisdiction employing a law enforcement agency. At a minimum, the agreement shall provide for:
  - (a) A mission statement.
  - (b) Who will be the supervisor of the investigating officers, and the manner in which conflicts of interest will be resolved.
  - (c) The membership of the team, and the manner for selecting the members.
  - (d) Investigative protocols that do not conflict with the requirements of this Plan.
  - (e) Training of the members in the investigation of use of deadly force incidents.
  - (f) The assignment of at least one officer from an agency other than the involved officer's agency.
  - (g) The assignment of at least one officer from the involved officer's agency.
- (10) In the event that a conflict exists in the use of the IDFIT, the Involved Officer's Agency and the District Attorney shall consult and determine the appropriate manner in which the investigation will proceed.
- (11) The assignment of outside investigative personnel does not preclude the agency involved from conducting a concurrent investigation for administrative purposes as established by that agency. Such investigations may be necessary for civil preparation, determination of policy violations or training issues.
- (12) In order to preserve the integrity of the investigation and prosecution, if one occurs, the scene supervisor and investigative supervisor shall notify all involved officers to refrain from making public statements about the investigation, until

such time as the investigation has concluded and the District Attorney has made a determination regarding the criminal responsibility of all involved persons.

- (13) The Agency shall designate a representative to make an initial public statement about the incident. Such statement shall include:
  - (a) The time and place of the incident.
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  - (c) The nature of the use of deadly physical force.
- (14) Prior to a final determination being made by the District Attorney, the District Attorney and the primary investigative agency shall consult with each other and make a public release of information as is deemed appropriate.

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- (1) The investigation, at a minimum, shall consist of:
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- (2) The investigation shall be documented in written reports.
  - (a) The IDFIT shall include in the Standard Operating Procedure, a provision regarding the filing of reports regarding the criminal investigation. All police reports regarding the criminal investigation shall be made available to the IDFIT.
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  - (b) The District Attorney will consult with the investigating agency and make the decision on whether to present the case to a Grand Jury.
    - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
  - (c) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the investigating agency, the involved officer's agency, and the involved officer's representative.
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- (3) Each agency shall provide for a process for any officer who makes a request, to participate in a critical incident debriefing.
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- (2) Each law enforcement agency within Lane County shall provide a copy of this Plan to every officer, incorporate the plan into agency policy documents and provide training to officers on the implementation of the plan.
- (3) Upon the conclusion of the investigation, the announcement by the District Attorney pursuant to Section 8 (3) of this Plan, and the debriefing, the Agency shall complete the Attorney General's report regarding the use of force, and submit the report to the Attorney General.
- (4) The Board and Department of Public Safety Standards and Training requires 8 hours per year, 24 hours over a 3 year period of training from either the "firearms" or "use of force" subject areas. Each agency subject to this Plan shall require that a minimum of 4 hours per year, 12 hours over a 3 year period, of that training be on the use of force. The training must include education on the agency's use of force policy. This training may also include, but is not limited to:
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  - b. Tactical Shooting.
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  - d. Use of force in making an arrest.
  - e. Use of less than lethal force.
  - f. Crisis intervention and the use of force.
  - g. Use of force in dealing with the mentally ill.

Each agency shall have a written policy and monitoring system to ensure that the standards are met.

- (5) Upon adoption of this Plan, to the extent they are fiscally able, each agency shall take steps to publicize the Plan to their respective communities, by providing information to the media, general public, community organizations, and quasi-governmental bodies.
- (6) At least once per calendar year, the Agencies subject to this Plan shall collectively conduct a seminar intended to educate the media, government lawyers, and selected members of the Lane County community in the use of force by law enforcement officers ,and the investigation of such incidents.
- (7) Prior to the adoption of this Plan, the Planning Authority shall take steps to engage the Lane County community in a discussion regarding the purpose of the

Plan, and the elements contained therein. Such steps shall include, but are not limited to general public release of the draft, discussion with the media, providing the draft to agency employees, union representatives, elected officials, and members of relevant boards or commissions.

## Section 10: Fiscal Impact

- (1) At the conclusion of each fiscal year following the adoption of the Plan, each agency shall submit to the administrator of the Plan, a report outlining the fiscal impact of each element of the Plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

## Section 11: Plan Revision

- (1) As provided in the IDFIT written agreement, the Planning Authority shall meet to review and discuss the operation of the Plan and the IDIFT.
- (2) If a revision of the Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.