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**TOPIC: RESOLUTION 2022-16 Approving the Amendment to the Lane County Deadly Physical Force Plan**

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Meeting Date: June 14<sup>th</sup>, 2022  
Staff Contact: Larry Larson, Chief of Police  
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**REQUESTED COUNCIL ACTION**

**Suggested Motion:** I move to adopt Resolution 2022-16, a resolution approving the amendments to the Lane County Deadly Force Plan.

**BACKGROUND**

The Oregon State Legislature passed Senate Bill 111 in 2007. The bill required the Sheriff and District Attorney to develop a Deadly Physical Force Plan to investigate deadly physical force by law enforcement personnel. The purpose of the 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 officers use of deadly physical force that treats the law enforcement officer fairly, and promotes public confidence in the criminal justice system.

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 and 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.

The Lane County Board of Commissioners approved the amendments to the Lane County Deadly Physical Force Plan amendment submitted to it by the Lane County Use of Deadly Physical Force Planning Authority.

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**RECOMMENDATION AND ALTERNATIVES**

Recommend the City Council approve the Lane County Deadly Force Plan amendment as submitted.

Alternative is to not approve the Lane County Deadly Force Plan as submitted.

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**BUDGET / FINANCIAL IMPACT**

There is not financial impact to the City of Coburg.

**PUBLIC INVOLVEMENT**

The Oregon Legislature passed senate Bill 111 in 2007. Senate Bill 111 required the Sheriff and District Attorney to prepare a Deadly Force Plan.

Coburg City Council adopted the Lane County Deadly Force plan February 12, 2008.

The Lane County Board of Board of Commissioners approved the amendment March 29, 2022.

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**NEXT STEPS**

To approve the amendments to the Lane County Deadly Physical Force Plan.

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**ATTACHMENTS**

1. Draft Resolution 2022-16
  2. Lane County approved amendment and Plan
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**REVIEWED THROUGH:**

Anne Heath, City Administrator  
Sammy Egbert, City Recorder

**ATTACHMENT A**

**RESOLUTION 2022-16**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF COBURG TO APPROVE THE AMENDMENTS TO THE LANE COUNTY DEADLY PHYSICAL FORCE PLAN.**

**WHEREAS**, the use of deadly physical force by police officers within Lane County, Oregon is a matter of importance; and

**WHEREAS**, the Oregon Legislature as 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 Force Plan; and

**WHEREAS**, the duly designated and appointed Lane County Deadly Physical Force Planning Authority Has adopted such a Plan; and

**WHEREAS**, Senate Bill 111, Oregon Laws 2007 requires the submission of the Plan for approval to the governing body of each law enforcement agency within Lane County; and

**WHEREAS**, the City of Coburg, is in receipt of the amended Lane County Deadly Physical Force Plan.

**NOW THEREFORE, BE IT RESOLVED THAT**, the City of Coburg does hereby adopt the amendments to the Lane County Deadly Physical Force Plan submitted to it by the Lane County Use of Deadly Physical Force Planning Authority.

**Adopted** by the City Council of the City of Coburg, Oregon, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Ray Smith

ATTEST:

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City Recorder, Sammy Egbert