

Democratic Party of Lane County

2/16/23

RESOLUTION 2023.2

A resolution of the Democratic Party of Lane County

Relating to Officer Use-of-Deadly-Force Incidents

WHEREAS, the DPLC platform calls for a just society “*Where laws and public institutions are fair to all, and show respect for each person’s worth, dignity, opinions, and rights, and ensure that no one is above the law*”; and

WHEREAS, the DPLC platform calls for police reform that includes “*Monitor how police use force and proactively hold officers accountable for excessive force*”; and

WHEREAS, the DPLC platform calls for police reform that includes “*Law and policy standards for use of force should limit its use to when necessary to bring an incident under control, and deadly force only when necessary in defense of human life, with an officer's tactical conduct and decisions leading up to using force and deadly force to be considered in judgements of its necessity*”; and

WHEREAS, the current process(es) for investigating Use-of-Deadly-Force cases in Lane County is defined by the Lane County Deadly Physical Force Plan, which was created under Senate Bill 111, passed and signed into law in 2007; and

WHEREAS, the Lane County Deadly Physical Force Plan created the Interagency Deadly Force Investigations Team (IDFIT); and

WHEREAS, the Lane County Deadly Physical Force Plan was amended in 2022 to reflect Section 8 of HB-4301, which was passed and signed into law in 2020; and

WHEREAS, IDFIT modified their investigation protocols in 2022 to include recommendations from the Independent Critical Incident Review and Analysis of the Officer-Involved Shooting Death of Stacy W. Kenny by Michael Gennaco and OIR Group; and

WHEREAS, SB-111 and the Lane County Deadly Force Plan do not require consideration of the officers’ tactical conduct and decisions leading up to the use of force or deadly force; and

WHEREAS, SB-111, the Lane County Deadly Force Plan and the IDFIT protocols do not offer aid or support to families of persons killed or seriously injured by law enforcement; and

WHEREAS, SB-111, the Lane County Deadly Force Plan and the IDFIT protocols do not direct a standard reporting methodology on use-of-deadly-force incidents; and

WHEREAS, the Lane County Deadly Force Plan mandates that the involved officer(s) in an “officer-involved-shooting” event may not be interviewed by investigators until a minimum of 48 hours after the event (unless waived by the officer); and

WHEREAS, the IDFIT members, who investigate use-of-deadly-force within Lane County, are all law enforcement officers employed by agencies within Lane County; and

WHEREAS, incidents of alleged officer misconduct (e.g. DUI) are referred outside of the county due to conflict of interest concerns, but officer-involved-shooting *homicide* investigations are conducted within the county by IDFIT; and

WHEREAS, Sen. Chris Gorsek has sponsored SB 236, which

- 1) Directs the Oregon Criminal Justice Commission to adopt rules requiring law enforcement units to report certain incidents and complaints to the commission and to public annual reports.
- 2) Directs the Oregon Department of Justice to establish a division to aid and support families of persons killed or seriously injured by police.
- 3) Establishes an Office of Law Enforcement Oversight, and an advisory board for the Office, to study the system of investigations, prosecution and victim support related to certain law enforcement issues and misconduct;

and

WHEREAS, Sen. Chris Gorsek has sponsored SB 237, which

- 1) Assigns responsibility for investigations of certain incidents involving police officers and corrections officers (e.g. assign responsibility outside of the local jurisdiction)
- 2) Establishes requirements for investigations of incidents.
- 3) Requires annual reports on investigations.
- 4) Provides that the Governor may appoint a committee to advise on the implementations of the provisions of SB-237;

and

WHEREAS, Sen. Chris Gorsek and Sen. James Manning have sponsored SB 915, which

- 1) Creates a Deadly Force Prosecutions Unit that specializes in the investigation and prosecution of cases involving law enforcement use of force that results in death.
- 2) Establishes the new Deadly Force Prosecutions Unit within the Criminal Justice Division of the Department of Justice; and

WHEREAS, Sen. Floyd Prozanski is the Chair of the Senate Committee on Judiciary, which will conduct hearings on SB-236, SB-237, and SB 915, and Sen. James Manning is a member of the Senate Committee on Judiciary;

THEREFORE, the Democratic Party of Lane County resolves:

SECTION 1: To urge the legislature to pass SB 236 in the 2023 session, or similar legislation requiring

- 1) Annual reporting of *all* force and deadly force incidents severe enough to cause injury or death to a state-level office;
- 2) Establishment of uniform standards of reporting across all counties and departments to include, as a minimum, details of event, involved officer(s)/department, and demographics of victim involved;
- 3) Establishment of a government entity to aid and support families of persons killed or seriously injured by law enforcement;

and

SECTION 2: To urge the legislature to pass SB 237 in the 2023 session, or similar legislation requiring

- 1) *independent* investigations, with minimal conflict of interest issues *at least* equivalent to standards applied to investigations of alleged crime of less severity than homicide);
- 2) the *entirety* of the event is evaluated and analyzed in the investigation for potential criminal responsibility, not just the instant of the use-of-deadly-force;
- 3) the officers involved be interviewed on the same schedule as any civilian would be under equivalent circumstances;

and

SECTION 3: To urge the legislature to pass SB 915 in the 2023 session, or similar legislation requiring

- 1) the establishment of an independent prosecuting unit within the Department of Justice to investigate and prosecute cases involving law enforcement use of force that results in death

and

SECTION 4: To communicate our support of SB 236, SB 237, and SB 915 to appropriate legislators.