

**REVENUE:** No revenue impact

**FISCAL:** May have fiscal impact, statement not yet issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by prior reference
<b>Vote:</b>	3 - 2 - 0
<b>Yeas:</b>	Prozanski, Walker, Burdick
<b>Nays:</b>	Beyer, Kruse
<b>Exc.:</b>	0
<b>Prepared By:</b>	Darian Stanford, Counsel
<b>Meeting Dates:</b>	2/15, 4/26

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**WHAT THE MEASURE DOES:** Creates “planning authority” in each county regarding use of deadly force by police officers. Specifies members that constitute planning authority. Requires planning authority to develop specific plan relating to deadly force. Requires two-thirds of governing bodies of law enforcement agencies within county to approve specific plan. Requires Attorney General to approve specific plan. Provides procedure for person to challenge plan. Appropriates \$300,000 to cover portion of costs of developing plan. Makes legislative findings regarding grand juries and use of deadly force. Allows district attorney to present facts to grand jury regarding use of deadly force. Requires recording of grand jury proceedings into use of deadly force by officer. Provides procedure to determine whether all or portion of grand jury transcript should be sealed or made public.

**ISSUES DISCUSSED:**

- Nature of grand jury proceedings

**EFFECT OF COMMITTEE AMENDMENT:** Requires planning authority to submit plan to local public safety coordinating council for review and comment.

**BACKGROUND:** SB 111 A creates “planning authorities” in each county throughout the state dealing with the use of deadly force by police officers. Each planning authority would consist of certain specific members: (1) district attorney, (2) sheriff, (3) non-management police officer, (4) police chief, (5) non-law enforcement member of the public selected by the district attorney and the sheriff and (6) representative of the Oregon State Police. Under SB 111 A, each planning authority should develop a specific plan that addresses at least the following elements: (1) education regarding deadly force for officers, attorneys and the public, (2) procedures in the immediate aftermath of deadly force incidents, (3) procedures for the investigating such incidents, (4) a district attorney’s discretion to resolve any criminal issues, (5) collecting information on officer use of deadly force and (6) a fiscal impact estimate.

Once the planning authority develops and approves an appropriate plan (there must first be a public hearing), the planning authority then submits the plan to the relevant law enforcement agencies within the county. Two-thirds of the relevant law enforcement agencies within a county must approve the plan before it becomes officially adopted. Once this happens, the plan then goes to the Attorney General for final approval. There is also a mechanism for private citizens to challenge a plan.

SB 111 A also provides specific legislative findings relating to grand juries and to use of deadly force, including that, although grand jury proceedings are typically secret, an officer’s use of deadly force “requires a level of public scrutiny that uniquely justifies limited intrusions into the secrecy historically accorded grand jury proceedings.” Based on this finding, SB 111 A authorizes the district attorney to present facts to a grand jury about incidents involving officer use of deadly force. Such proceedings must be recorded and then released to the public unless the court finds that the public interest in disclosure is outweighed by certain specific factors (in which case the court could redact all or a portion of the transcript). SB 111 A also prevents a district attorney from ordering an inquest regarding a deadly force incident until after the district attorney has determined that no crime was committed or a grand jury has declined to indict the officer.

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***This summary has not been adopted or officially endorsed by action of the committee.***