



To: **Members of the Senate Judiciary Committee**

From: **Alex Gardner, Lane County District Attorney**
On behalf of the Oregon District Attorney's Association, Oregon Association Chiefs of Police and Oregon State Sheriffs Association

Date: March 19, 2015

Re: **Testimony re Use of Force Legislation (SB 871 & 910)**

Chair Prozanski and members of the Senate Judiciary Committee, my name is Alex Garner and I am the Lane County District Attorney. I am here today on behalf of the Oregon District Attorney's Association, Oregon Association Chiefs of Police and Oregon State Sheriffs Association to provide information regarding the process and protocols in place in counties throughout Oregon to address use of deadly force incidents when they occur based on the provisions established in SB 111 (2007), to discuss the plan in place in Lane County and to introduce a video that identifies the difficult challenges that agencies, officers and the public face when a use of deadly force incident occurs.

Under the stewardship and leadership of then Attorney General Hardy Meyer, it took two sessions of hard work to fashion Senate Bill 111(2007), a bill that provided a new basic structure for investigating officer-involved shootings in Oregon. SB-111 required every county to build a plan that ensured the critical ingredients of investigative independence, accountability, transparency, and public education and outreach. At the same time, SB-111 allowed counties to retain the flexibility required to meet unique local labor, environmental and political challenges: As long as a County's plan was approved by county commissioners and all City Councils, it was eligible for approval by the Attorney General. Thereafter, if the Attorney General's review confirmed all the required components, the plan could be implemented.

All 36 counties submitted their plan and all plans were approved by the Attorney General.

As an example Lane County's Plan was implemented in April of 2008. In the thirteen months that followed implementation Lane had eight officer-involved shootings. The new IDFIT team (Interagency Deadly Force Investigation Team) worked efficiently and effectively while improving public trust because,

- the lead detective had to be from an agency that was NOT involved in the shooting,
- the multi-agency approach ensured independent and robust investigative staffing, diverse officer skill-sets, multiple checks and balances, and prompt and complete development of evidence,
- investigative findings are made available to the media in a press conference following the shooting,
- all evidence, police reports and findings are made available to the media and public, and
- public education and outreach erodes unrealistic expectations and improved understanding of deadly force encounters.

The enclosed seventeen minute video, “Hollywood Versus Reality; Officer Involved Shootings”, was developed and produced in response to the public outreach requirement in Oregon’s SB-111 (2007). It provides context, real-life video footage, and expert testimony highlighting the challenges associated with recording officer-involved shootings, investigating them, and managing the many related challenges in the aftermath. The video has been sold to police agencies and municipalities all over the world. It’s also been published on multiple public-access websites where it has been viewed over 100,000 times. Oregon’s system of investigating officer-involved-shootings is seen by many as a model to emulate.