

From the Chief's Desk

## **Deadly Force**

On a warm October evening several years ago, an experienced police officer responded to a neighborhood street to assist another officer with a man in a car. When the cover officer approached the car he first saw an older gentleman with some blood on his head. As the primary officer was working his way up to the driver's door the cover officer told him the subject was bleeding. As the primary officer approached the driver's door to contact the driver, the cover officer saw the man was holding a gun close to his chest, turning and pointing it at the primary officer.

In an instant both officers had to react. The primary officer actually saw the gun pointed at him as he heard the cover officer yell "GUN!"

Following any Officer Involved Shooting there is a rigorous investigation. Officers have another officer assigned to them while the scene is processed. When their gun is taken as evidence it is replaced with an identical loaner gun. They are encouraged to contact their family to let them know what has happened.

The officers are required to visit a Mental Health Professional. This visit is for the officers and not the agency and the information is a confidential conversation between the Mental Health Professional and the officer.

The incident will be investigated with the assistance of an outside agency. A determination of the legality of the shooting will normally be reviewed by the District Attorney, a Grand Jury or in rare cases by DOJ. There is also an internal review to determine if the shooting was within the agency's policy, which is more restrictive than state law. The agency's training cadre will also examine the incident to improve training and capture any lessons learned.

Police officers approach unknown danger regularly. The majority of officer's I know have been confronted with circumstances where deadly force would be justified and within policy, but they did not shoot.

On January 26<sup>th</sup>, 2017, the Deschutes County Law Enforcement Agencies' executives, as well as the local FBI, Parole & Probation and Oregon State Police met with Sheriff Shane Nelson and District Attorney John Hummel to review the Officer involved incidents where Deadly Force was used in Deschutes County last year. A civilian representative also sits on this board.

This meeting is conducted annually, as required by SB111, so that agencies can share updates to their Deadly Force Policies and review the investigative process of prior incidents. This group reviewed the three officer involved deadly force incidents that occurred in Deschutes County.

In part, SB111 provides direction for law enforcement agencies in regards to deadly force. SB111 requires agencies:

- To have a deadly force policy
- Provide involved officer(s) two sessions with a Mental Health Profession
- A minimum of 72 hrs. off from field assignments for officers involved in deadly force
- To include an investigator from another agency assigned to the Investigation
- Mandatory reporting of the incident to Oregon DOJ

Although several agencies in Oregon already followed this process, SB111 standardized the requirements for the entire state.

The cooperation we have with the Central Oregon Law Enforcement community is outstanding. The Major Crimes Team, which Black Butte PD provides support to, investigates Officer's use of deadly force as well as other major incidents.

The Black Butte Police Department wants you to know that we have a thorough Use of Force policy and we conduct training on use of force and our Deadly Force policy throughout the year.

[http://www.doj.state.or.us/oregonians/pdf/sb111\\_en.pdf](http://www.doj.state.or.us/oregonians/pdf/sb111_en.pdf)