



## RESOLUTION 2008-021

### A RESOLUTION ADOPTING THE WASHINGTON COUNTY USE OF DEADLY PHYSICAL FORCE BY POLICE OFFICERS PLAN

**WHEREAS**, The duly elected governing body of the City of Sherwood, Oregon, having been presented with the final draft of the Washington County Use of Deadly Physical Force by Police Officers Plan, as required by 2007 Senate Bill 111, and having thoroughly reviewed the Plan in its entirety; and

**WHEREAS**, The City Council of Sherwood Oregon hereby resolves that the plan as drafted meets the needs of the citizens of Washington County and the City of Sherwood, and orders that the Washington County Use of Deadly Physical Force by Police Officers Plan is hereby adopted as presented.

#### NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. The City Manager is directed and authorized to sign the Plan as presented by Washington County.

**Duly passed by the City Council this 15<sup>th</sup> day of April 2008.**

  
\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, City Recorder

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MAR 10 2008

CITY OF SHERWOOD  
RECORDER'S OFFICE



# Washington County Use of Deadly Physical Force by Police Officers Plan

February 20, 2008  
Final Draft

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## **Members of the Planning Authority**

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Sheriff Rob Gordon – co-chair  
District Attorney Robert Hermann – co-chair  
Lieutenant Marti West – Oregon State Police  
Chief Kent Barker – Tualatin Police Department  
Detective Wayne Hart – Forest Grove Police Department – Union Representative  
Richard Inukai - Citizen

## **Preamble**

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Police officers serve and protect their fellow Oregonians. The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this 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 officer's use of deadly physical force that treats all people affected by the event fairly, and promotes public confidence in the criminal justice system.

## Section 1: Administration

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- 1) In the event that a member of the planning authority stops service, a replacement shall be appointed as provided in Section 2 (1) of Senate Bill 111, Oregon Laws 2007.
- 2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
- 3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
- 4) Any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

## Section 2: Applicability of the Plan

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This plan shall be applicable, as set forth herein, to any use of deadly physical force resulting in a serious physical injury or the death of a person by a police officer acting in the course of and in furtherance of his/her official duties, occurring within Washington County, Oregon.

The planning authority shall submit the plan developed under Senate Bill 111, and revisions of the plan, to the governing body of each law enforcement agency within the county, except for the Department of State Police and the Department of Justice.

A governing body shall approve or disapprove the plan submitted to it under Senate Bill 111 within 60 days after receiving the plan. The governing body may not amend the plan.

If the plan is approved by at least two-thirds of the governing bodies to which the plan is submitted, the planning authority shall submit the approved plan to the Attorney General. No later than 30 days after receiving the plan, the Attorney General shall review the plan for compliance with the minimum requirements described in Senate Bill 111. If the Attorney General determines that the plan complies with the minimum requirements, the Attorney General shall approve the plan. Upon approval of the plan each law enforcement agency within the county to which the plan applies is subject to the provisions of the plan.

## Section 3: Definitions

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**Law Enforcement Agency:** The Department of State Police, the Department of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

**Plan:** The final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General and including any approved revisions which shall become part of this Plan.

**Deadly Physical Force:** Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. ORS 161.015 (3) Physical force that creates a substantial risk of death or serious bodily injury.

**Serious Physical Injury:** Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. ORS 161.015 (8)

**Physical Injury:** Impairment of physical condition or substantial pain. ORS 161.015 (7)

**Police Officer:** A person who is:

- (a) A police officer or reserve officer as defined in ORS 181.610; and
- (b) Employed by a law enforcement agency to enforce the criminal laws of this state.

**Involved Officer:** (a) A police officer whose official conduct or official order to use deadly physical force was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident. (b) A police officer (or other law enforcement agency employee) whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by a police officer resulted in the death of a person:

- (A) Began before or during the use of the deadly physical force; and
- (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma than other police officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force. SB 111 SECTION 5 (1) (a) and (b)

## Section 4: Education, Outreach and Training

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### **Education, outreach and training regarding the use of deadly physical force**

*Police officers, attorneys employed by state or local government within the county and members of the community shall receive appropriate education, training and outreach regarding the use of deadly physical force.*

(1) Law enforcement agencies in Washington County shall continue to require appropriate training for all law enforcement officers to prepare them for appropriate and authorized use of force in the conduct of their assigned duties. Officers will also receive at least the training required by the Department of Public Safety Standards and Training to maintain certification to help ensure their appropriate use of deadly force. The training will include a review of state and county law and policy.

(2) Agencies are encouraged to provide ongoing education, training and other resources to the general public, including the mental health community. Such training may be a Citizens' Academy or other formalized education which includes municipal, county and state laws, policies and practices regarding use of deadly force.

(3) Agencies are encouraged to provide explanatory materials to help ensure general public understanding of the legal and policy requirements associated with use of deadly force without compromising the integrity of any investigation.

(4) At least once per calendar year the District Attorneys office shall conduct, co-sponsor, and/or endorse a seminar/training regarding the use of deadly force and the investigation of such incidents. Attorneys employed by state and local governments within the county will be notified and encouraged to attend.

## Section 5: Immediate Aftermath

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### **In response to any incident in which a police officer employed by a law enforcement agency in Washington County used deadly force:**

(1) The employee's law enforcement agency shall pay the costs of at least two sessions with a mental health professional that are attended by the officer. The first session should be held within 15 days of the incident, schedule permitting, and the second must be held within six months after the incident in which the officer was involved.

(a) Each involved officer shall attend at least one of the sessions described in paragraph (1) of this subsection.

(b) Sessions with a mental health professional under this subsection may not be substituted for a fitness for duty examination required or requested as a condition of employment by the law enforcement agency that employs the involved officer.

(c) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death or serious physical injury of a person, a law enforcement agency may not return an involved officer to duties that might place the officer in a situation in which the officer may have to use deadly physical force.

(d) A law enforcement agency is encouraged to employ additional procedures such as peer counseling, family counseling, spousal support, spiritual counseling, stress trauma response or other appropriate support.

(e) A law enforcement agency is encouraged to provide additional training, including re-qualification with the weapon used prior to return of the involved officer to their duties. Re-qualification provides reassurance for the officer's skills, willingness to engage in expected responsibilities, and the readiness of the officer's weapon system. It provides documentation for the agency that the officer maintains the required degree of weapon proficiency, and that the officer is fit to return to duty in the officer's assigned position.

## Section 6: Investigation

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### **Investigation of an incident in which a police officer used deadly physical force.**

- (1) The Washington County Major Crimes Team will conduct all investigations in which a police officer uses deadly physical force.
- (2) The Washington County Major Crimes Team Protocol provides specific detail on conducting such an investigation, including provision that an investigation will be led or co-led by an officer from a law enforcement agency other than the law enforcement agency which employs the officer involved in the use of deadly physical force.

## Section 7: District Attorney's Discretion

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**The district attorney for Washington County has discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.**

- (1) When an incident of the use of deadly physical force by an officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable notify the District Attorney's Office.
  - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the other elements of this plan.
- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
  - (a) Preliminary Hearings (ORS 135.070) will not be used as a method of reviewing an officer's use of deadly force.
  - (b) An inquest (ORS 146.135-165) will not be used as a method of reviewing an officer's use of deadly force.
  - (c) The District Attorney will review the Major Crime Team's investigation and make the decision on whether to present the case to a Grand Jury.
    - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
  - (d) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the Major Crime Team's lead investigator, the involved officer's agency, and the involved officer's representative.
  - (e) If the District Attorney decides that the investigation reveals that the officer's use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public. Additionally, the District Attorney will make records of the investigation available to the public, subject to Oregon public records laws.

## Section 8: Reporting and Debriefing

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### **Certain actions shall be taken following an incident in which a police officer employed by a law enforcement agency in Washington County used deadly physical force.**

(1) A law enforcement agency shall collect at least the following information relating to incidents in which a police officer's use of deadly physical force resulted in the death of a person:

- (a) The name, gender, race, ethnicity and age of the decedent.
- (b) The date, time and location of the incident.
- (c) A brief description of the circumstances surrounding the incident.

(2) A law enforcement agency shall promptly submit the information collected under paragraph (1) of this subsection to the Department of Justice and will provide a copy of the information to the District Attorney of Washington County.

(3) The Department of Justice shall compile and periodically publish information submitted under subsection (2) of this section. The department, by rule, may specify a form to be used by law enforcement agencies in submitting information under subsection (2) of this section.

(4) If a form is provided by the Department of Justice for submitting this information, it shall be used in submitting this information.

(5) The law enforcement agency employing a police officer involved in a use of deadly force incident shall conduct a debriefing after the incident as a normal part of their procedure.

(6) The debriefing conducted under subsection (5) of this subsection by the agency, including any suggested changes in agency policies, shall be submitted to the Planning Authority. The Planning Authority's plan for data collection, debriefing, and plan revision should include two distinct procedures for deriving lessons from deadly force incidents that result in the death. First, law enforcement agencies should conduct an evaluation of the incident to determine whether changes to the agency's use of deadly force policy or other procedures are advisable [subsection (5) of this section]. Second, the Planning Authority itself should conduct an assessment of existing County Use of Deadly Physical Force by Police Officers plans in light of experience. Based on that assessment, the Planning Authority could propose changes to those plans. Revised plans would require approval by the governing bodies in the same manner that those bodies approved or disapproved of the original plan.

## Section 9: Estimated Costs

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**The Planning Authority shall report the estimated fiscal impact on the law enforcement agencies to which the plan applies of each element of this plan.**

At the conclusion of each fiscal year following the adoption of the plan, each agency shall submit to the administrator of the plan, a report outlining the fiscal impact of each element of the plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

## Section 10: Plan Revision

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The Washington County Use of Deadly Force Planning Authority will meet at least annually to review and discuss the operation of this plan.

If a revision of this 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.

## Section 11: Governing Body Approvals

( Please Circle "Approved" or "Disapproved" to indicate your selection. )

### Beaverton

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

### Cornelius

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

### Forrest Grove

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

### Hillsboro

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

### King City

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

### North Plains

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

**Sherwood**

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

**Tigard**

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

**Tualatin**

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

**Washington County Sheriff's Office**

Approved or disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix: Agency Policies

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Beaverton Police Department  
Cornelius Police Department  
Forest Grove Police Department  
Hillsboro Police Department  
King City Police Department  
North Plains Police Department  
Oregon State Police  
Sherwood Police Department  
Tigard Police Department  
Tualatin Police Department  
Washington County Sheriff's Office

# Senate Bill 111

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Department of Justice)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates planning authority in each county to develop plan concerning use of deadly physical force by police officers. Directs planning authority to submit plan to governing body of each law enforcement agency within county except Department of State Police and Department of Justice. Specifies required elements of plan. Directs governing body to approve or disapprove plan.

Authorizes Department of Justice, to extent funds are appropriated for such purposes, to make grants to law enforcement agencies for expenses incurred in implementing and revising approved plans.

Establishes procedures for law enforcement agencies to follow in dealing with use of deadly physical force and for grand jury proceedings in which use of deadly physical force is element.

Appropriates moneys from General Fund to Department of Justice for grants and for grand jury recording and transcription costs.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1

2 Relating to use of physical force; creating new provisions; amending ORS 132.090, 132.330, 132.430,  
3 146.135, 181.640 and 181.662; appropriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in sections 1 to 7 of this 2007 Act:**

6 (1) **"Employ," when used in the context of the relationship between a law enforcement**  
7 **agency and a police officer, includes the assignment of law enforcement duties on a volunteer**  
8 **basis to a reserve officer.**

9 (2) **"Law enforcement agency" means the Department of State Police, the Department**  
10 **of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal**  
11 **corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS**  
12 **181.610 (12)(a)(A).**

13 (3) **"Police officer" means a person who is:**

14 (a) **A police officer or reserve officer as defined in ORS 181.610; and**

15 (b) **Employed by a law enforcement agency to enforce the criminal laws of this state.**

16 **SECTION 2. (1) There is created in each county a deadly physical force planning author-**  
17 **ity consisting of the following members:**

18 (a) **The district attorney and sheriff of the county.**

19 (b) **A nonmanagement police officer selected by the district attorney and sheriff. If there**  
20 **are unions representing police officers within the county, the district attorney and sheriff**  
21 **shall select the police officer from among candidates nominated by any union representing**  
22 **police officers within the county.**

23 (c) **If at least one city within the county employs a police chief, a police chief selected**  
24 **by the police chiefs within the county.**

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in boldfaced type.

1 (d) A representative of the public selected by the district attorney and sheriff. The person  
 2 selected under this paragraph may not be employed by a law enforcement agency.

3 (e) A representative of the Oregon State Police selected by the Superintendent of State  
 4 Police.

5 (2) The district attorney and sheriff are cochairpersons of the planning authority.

6 (3) The law enforcement agency that employs the police officer selected under subsection  
 7 (1)(b) of this section shall release the officer from other duties for at least 16 hours per year  
 8 to enable the officer to serve on the planning authority. The agency shall compensate the  
 9 officer at the officer's regular hourly wage while the officer is engaged in planning authority  
 10 activities.

11 (4) The planning authority shall develop a plan consisting of the following:

12 (a) An element dealing with education, outreach and training regarding the use of deadly  
 13 physical force for police officers, attorneys employed by state or local government within the  
 14 county and members of the community.

15 (b) An element dealing with the immediate aftermath of an incident in which a police  
 16 officer used deadly physical force.

17 (c) An element dealing with the investigation of an incident in which a police officer used  
 18 deadly physical force.

19 (d) An element dealing with the exercise of district attorney discretion to resolve issues  
 20 of potential criminal responsibility resulting from a police officer's use of deadly physical  
 21 force.

22 (e) An element dealing with collecting information regarding a police officer's use of  
 23 deadly physical force, debriefing after an incident in which a police officer used deadly  
 24 physical force and revising a plan developed under this subsection based on experience.

25 (f) An estimate of the fiscal impact on the law enforcement agencies to which the plan  
 26 applies of each element described in paragraphs (a) to (e) of this subsection.

27 (5) The planning authority shall conduct at least one public hearing in the county before  
 28 submitting a plan, or a revision of a plan, to the governing bodies in the county under sub-  
 29 section (7) of this section.

30 (6) The planning authority may consult with anyone the planning authority determines  
 31 may be helpful in carrying out its responsibilities.

32 (7) The planning authority shall submit the plan developed under subsection (4) of this  
 33 section, and revisions of the plan, to the governing body of each law enforcement agency  
 34 within the county except for the Department of State Police and the Department of Justice.

35 (8) A governing body shall approve or disapprove the plan submitted to it under sub-  
 36 section (7) of this section within 60 days after receiving the plan. The governing body may  
 37 not amend the plan.

38 (9) If the plan is not approved by at least two-thirds of the governing bodies to which the  
 39 plan is submitted, the planning authority shall develop and submit a revised plan.

40 (10) If the plan is approved by at least two-thirds of the governing bodies to which the  
 41 plan is submitted, the planning authority shall submit the approved plan to the Attorney  
 42 General. No later than 30 days after receiving the plan, the Attorney General shall review  
 43 the plan for compliance with the minimum requirements described in section 3 of this 2007  
 44 Act. If the Attorney General determines that the plan complies with the minimum require-  
 45 ments, the Attorney General shall approve the plan. Upon approval of the plan:

1 (a) Each law enforcement agency within the county to which the plan applies is subject  
 2 to the provisions of the plan; and

3 (b) Each law enforcement agency subject to the plan is entitled to grants as provided in  
 4 section 4 of this 2007 Act.

5 (11) If the plan is not approved by the Attorney General, the planning authority shall  
 6 develop and submit a revised plan.

7 (12) Notwithstanding subsection (10)(a) of this section, a law enforcement agency is not  
 8 subject to a provision of a plan approved under subsection (10) of this section that:

9 (a) Conflicts with a provision of a city or county charter or a general ordinance that  
 10 applies to the law enforcement agency; or

11 (b) Imposes an obligation not required by section 5 of this 2007 Act if complying with the  
 12 provision would require the law enforcement agency to budget moneys, or submit a revenue  
 13 measure for a vote of the people, in order to comply with the provision.

14 (13) The Attorney General shall periodically publish all approved plans.

15 (14) A law enforcement agency within a county has a duty to participate in good faith in  
 16 the planning process of the planning authority for the county.

17 (15) A person bringing an action challenging the validity or enforceability of a plan ap-  
 18 proved under subsection (10) of this section shall serve the Attorney General with a copy of  
 19 the complaint. If the Attorney General is not a party to the action, the Attorney General  
 20 may intervene in the action.

21 **SECTION 3.** In the plan required by section 2 (4) of this 2007 Act, a deadly physical force  
 22 planning authority shall, at a minimum:

23 (1)(a) Address, under section 2 (4)(a) of this 2007 Act, the manner in which each law  
 24 enforcement agency within the county will comply with section 5 (2) of this 2007 Act; and

25 (b) Attach a copy of each policy adopted under section 5 (2) of this 2007 Act to the plan.

26 (2) Address, under section 2 (4)(b) of this 2007 Act, the manner in which each law  
 27 enforcement agency within the county will comply with section 5 (3)(a) and (4) of this 2007  
 28 Act.

29 (3) Address, under section 2 (4)(c) of this 2007 Act, the manner in which each law  
 30 enforcement agency within the county will comply with section 5 (5)(a) of this 2007 Act.

31 (4) Address, under section 2 (4)(d) of this 2007 Act, the manner in which the district at-  
 32 torney of the county will comply with ORS 146.135 (2).

33 (5) Address, under section 2 (4)(e) of this 2007 Act, the manner in which each law  
 34 enforcement agency within the county will comply with section 5 (6) of this 2007 Act.

35 **SECTION 4.** (1) As used in this section, "expenses" does not include personnel costs.

36 (2) To the extent that funds are appropriated to it for such purposes, the Department  
 37 of Justice shall make grants to law enforcement agencies to reimburse the law enforcement  
 38 agencies for expenses incurred in implementing and revising the plans required by section 2  
 39 of this 2007 Act. A grant under this section may not exceed 75 percent of the expenses in-  
 40 curred by the law enforcement agency.

41 (3) The department may not make a grant under this section to a law enforcement  
 42 agency unless the law enforcement agency is subject to a plan that has been approved by the  
 43 Attorney General under section 2 (10) of this 2007 Act.

44 (4) The department shall adopt rules necessary for the administration of this section.

45 **SECTION 5.** (1) As used in this section, "involved officer" means:

1 (a) A police officer whose official conduct, or official order to use deadly physical force,  
2 was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly  
3 physical force" means an order issued to another officer to use deadly physical force in a  
4 specific incident or an order or directive establishing rules of engagement for the use of  
5 deadly physical force for a specific incident.

6 (b) A police officer whose official conduct was not a cause in fact of the death of a person  
7 but whose official involvement in an incident in which the use of deadly physical force by a  
8 police officer resulted in the death of a person:

9 (A) Began before or during the use of the deadly physical force; and

10 (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma  
11 than other police officers experienced as a result of their involvement in the incident before  
12 or during the use of the deadly physical force.

13 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical  
14 force by its police officers. At a minimum, the policy must include guidelines for the use of  
15 deadly physical force.

16 (3)(a) For each involved officer employed by a law enforcement agency, the law enforce-  
17 ment agency shall pay the costs of at least two sessions with a mental health professional  
18 that are attended by the officer. The sessions must be held within six months after the in-  
19 cident in which the officer was involved.

20 (b) An involved officer shall attend at least one of the sessions described in paragraph  
21 (a) of this subsection.

22 (c) Sessions with a mental health professional under this subsection may not be substi-  
23 tuted for a fitness for duty examination required or requested as a condition of employment  
24 by the law enforcement agency that employs the involved officer.

25 (4) For at least 72 hours immediately following an incident in which the use of deadly  
26 physical force by a police officer resulted in the death of a person, a law enforcement agency  
27 may not return an involved officer to duties that might place the officer in a situation in  
28 which the officer has to use deadly physical force. A law enforcement agency may not reduce  
29 an involved officer's pay or benefits as a result of the law enforcement agency's compliance  
30 with this subsection. Notwithstanding section 4 (1) of this 2007 Act, a personnel cost in-  
31 curred in complying with this subsection by a law enforcement agency employing 40 or fewer  
32 police officers is an expense for purposes of section 4 of this 2007 Act.

33 (5)(a) A law enforcement agency employing an involved officer shall include at least one  
34 police officer from a different law enforcement agency in the investigation of the incident in  
35 which the involved officer was involved.

36 (b) The failure of a law enforcement agency to comply with paragraph (a) of this sub-  
37 section is not grounds for suppressing evidence obtained in the investigation.

38 (6)(a) A law enforcement agency shall collect at least the following information relating  
39 to incidents in which a police officer's use of deadly physical force resulted in the death of  
40 a person:

41 (A) The name, gender, race, ethnicity and age of the decedent.

42 (B) The date, time and location of the incident.

43 (C) A brief description of the circumstances surrounding the incident.

44 (b) A law enforcement agency shall promptly submit the information collected under  
45 paragraph (a) of this subsection to the Department of Justice.

1 (7) The department shall compile and periodically publish information submitted under  
2 subsection (6) of this section. The department, by rule, may specify a form to be used by law  
3 enforcement agencies in submitting information under subsection (6) of this section.

4 **SECTION 6.** Conclusions and recommendations for future action made by or for a law  
5 enforcement agency that result from activities conducted pursuant to the element of a plan  
6 described in section 2 (4)(e) of this 2007 Act are not admissible as evidence in any subsequent  
7 civil action or administrative proceeding.

8 **SECTION 7.** (1) Notwithstanding sections 2, 3, 5 (3) and (6) and 12 of this 2007 Act, if  
9 sufficient moneys are not appropriated to the Department of Justice for purposes of making  
10 grants under section 4 of this 2007 Act, a deadly physical force planning authority created  
11 by section 2 of this 2007 Act or a law enforcement agency is not required to comply with any  
12 requirement of section 2, 3 or 5 (3) or (6) of this 2007 Act for which the law enforcement  
13 agency is entitled to reimbursement under section 4 of this 2007 Act.

14 (2) If sufficient moneys are not appropriated to the Department of Justice to pay the  
15 costs of recording and transcribing testimony before a grand jury as required by section 12  
16 of this 2007 Act:

17 (a) The Department of Justice is not required to comply with section 12 (5) of this 2007  
18 Act; and

19 (b) A district attorney is not required to comply with section 12 of this 2007 Act.

20 **SECTION 8.** ORS 132.330 is amended to read:

21 132.330. (1) The district attorney may submit an indictment to the grand jury in any case when  
22 the district attorney has good reason to believe that a crime has been committed which is triable  
23 within the county.

24 (2) The district attorney may present facts to the grand jury about an incident in which  
25 a police officer used deadly physical force.

26 **SECTION 9.** ORS 132.090 is amended to read:

27 132.090. (1) Except as provided in subsections (2) and (3) of this section and section 12 of this  
28 2007 Act, no person other than the district attorney or a witness actually under examination shall  
29 be present during the sittings of the grand jury.

30 (2) If not otherwise required under section 12 of this 2007 Act, upon a motion filed by the  
31 district attorney in the circuit court, the circuit judge may appoint a reporter who shall attend the  
32 sittings of the grand jury to take and report the testimony in any matters pending before the grand  
33 jury, and may appoint a parent, guardian or other appropriate person 18 years of age or older to  
34 accompany any child 12 years of age or younger, or any person with mental retardation, during an  
35 appearance before the grand jury. The circuit judge, upon the district attorney's showing to the  
36 court that it is necessary for the proper examination of a witness appearing before the grand jury,  
37 may appoint a guard, medical or other special attendant or nurse, who shall be present in the grand  
38 jury room and shall attend such sittings.

39 (3) The district attorney may designate an interpreter who is certified under ORS 45.291 to in-  
40 terpret the testimony of witnesses appearing before the grand jury. The district attorney may des-  
41 ignate a qualified interpreter, as defined in ORS 45.288, if the circuit court determines that a  
42 certified interpreter is not available and that the person designated by the district attorney is a  
43 qualified interpreter as defined in ORS 45.288. An interpreter designated under this subsection may  
44 be present in the grand jury room and attend the sittings of the grand jury.

45 (4) No person other than members of the grand jury shall be present when the grand jury is

1 deliberating or voting upon a matter before it.

2 (5) As used in this section, "mental retardation" has the meaning given that term in ORS  
3 427.005. Mental retardation may be shown by attaching to the motion of the district attorney:

4 (a) Documentary evidence of intellectual functioning; or

5 (b) The affidavit of a qualified person familiar with the person with mental retardation. "Quali-  
6 fied person" includes, but is not limited to, a teacher, therapist or physician.

7 **SECTION 10.** The Legislative Assembly finds that:

8 (1) Grand juries originally were created and have existed for centuries as a check against  
9 potential abuse of the government's power to charge individuals with crimes.

10 (2) Grand jury proceedings are kept secret to help protect witnesses, victims and grand  
11 jurors against retaliation and innocent persons against wrongful accusations of crime.

12 (3) As authorized by law and as guided by the policies of law enforcement agencies, police  
13 officers may cause the death of a person by the use of deadly physical force.

14 (4) The use of deadly physical force by a police officer that results in the death of a  
15 person requires a level of public scrutiny that uniquely justifies limited intrusions into the  
16 secrecy historically accorded grand jury proceedings.

17 **SECTION 11.** Section 12 of this 2007 Act is added to and made a part of ORS 132.310 to  
18 132.390.

19 **SECTION 12.** (1) As used in this section:

20 (a) "Certified shorthand reporter" has the meaning given that term in ORS 8.415.

21 (b) "Involved officer" has the meaning given that term in section 5 of this 2007 Act.

22 (c) "Police officer" has the meaning given that term in section 1 of this 2007 Act.

23 (2) A proceeding before a grand jury must be on the record and recorded by a certified  
24 shorthand reporter as provided in this subsection if the proceeding has been convened to  
25 examine the use of deadly physical force by a police officer that resulted in the death of a  
26 person. When a proceeding is required to be on the record under this subsection, the district  
27 attorney shall ensure that a certified shorthand reporter attends the sittings of the grand  
28 jury to take and report the questioning and testimony of all witnesses. The certified short-  
29 hand reporter may not record any information that reveals the identity of a grand juror. The  
30 certified shorthand reporter may not be present during, or record, the deliberations of the  
31 grand jury.

32 (3) Unless the certified shorthand reporter can show good cause why the time should be  
33 extended, no later than seven days after a grand jury in a proceeding required to be on the  
34 record under subsection (2) of this section determines that no criminal charges should be  
35 returned or returns an indictment indorsed "not a true bill," the certified shorthand reporter  
36 shall provide a certified transcript of the report to the district attorney of the county in  
37 which the incident occurred.

38 (4)(a) No later than five days after receiving the transcript from the certified shorthand  
39 reporter, the district attorney shall send notice of the following to all witnesses who ap-  
40 peared before the grand jury:

41 (A) The witness's right to file a petition under subsection (6) of this section;

42 (B) The time period within which the petition must be filed; and

43 (C) The witness's right to review the transcript and submit objections to the accuracy  
44 of the transcript as provided in paragraph (b) of this subsection.

45 (b) No later than seven days after the district attorney sends the notice required by

1 paragraph (a) of this subsection, a witness may:

2 (A) Review, under the supervision of the district attorney, the portion of the grand jury  
3 transcript in which the witness's testimony is transcribed; and

4 (B) Submit an objection to the accuracy of the transcription of the witness's testimony.  
5 A witness submitting an objection under this subparagraph shall attach the objection to the  
6 transcript.

7 (c) No earlier than eight days after sending the notice required by paragraph (a) of this  
8 subsection, the district attorney shall provide a copy of the complete transcript to each in-  
9 volved officer in the incident and to the law enforcement agency that employs each involved  
10 officer.

11 (5) The Department of Justice shall pay the costs of the recording and the transcripts  
12 required by subsections (2) and (3) of this section.

13 (6)(a) No later than 14 days after the district attorney sends the notice required by sub-  
14 section (4)(a) of this section, the district attorney, an involved officer, the law enforcement  
15 agency employing the involved officer or any witness who appeared before the grand jury  
16 may petition the circuit court for a judgment sealing all or part of the transcript or delaying  
17 the public release of all or part of the transcript. The petition must be served on the district  
18 attorney, the involved officer and the law enforcement agency employing the involved officer.  
19 The petition must be supported by an affidavit showing why the public interest in disclosure  
20 is outweighed by one of the factors listed in subsection (7)(b) of this section.

21 (b) If no petition is timely filed, the district attorney shall make the transcript available  
22 to any person upon request and payment of copying fees set under ORS 192.440.

23 (7)(a) No later than seven days after service under subsection (6)(a) of this section, the  
24 district attorney, an involved officer or the law enforcement agency that employs the in-  
25 volved officer may file an objection to the petition. If no objection is timely filed, the court  
26 may rule without a hearing on the petition. If an objection is timely filed, the court shall hold  
27 a hearing on the petition no later than seven days after the time for filing objections has  
28 expired.

29 (b) The court shall deny the petition unless the court finds that the public interest in  
30 disclosure is outweighed by:

31 (A) The impairment of the proceeding or prosecution of any criminal matter related to  
32 the proceeding;

33 (B) The probable prejudice to the right of a witness who appeared before the grand jury  
34 or of an involved officer to a fair trial; or

35 (C) The privacy right of a witness who appeared before the grand jury.

36 (8) When the court determines that all or part of the transcript should be sealed or that  
37 disclosure of all or part of the transcript should be delayed, the court shall enter a judgment  
38 sealing the transcript or portions of the transcript or delaying the public release of the  
39 transcript or portions of the transcript.

40 (9) A judgment sealing or delaying release of all or any portion of a transcript based on  
41 subsection (7)(b)(B) or (C) of this section has no further effect with respect to public release  
42 of the transcript after a witness whose testimony is subject to the judgment:

43 (a) Files a civil action against an involved officer or the law enforcement agency em-  
44 ploying the involved officer; or

45 (b) Gives testimony, including depositions, in a civil or criminal action arising out of the

1 incident in which deadly physical force was used.

2 (10) The testimony of a police officer who is the subject of an investigation of the use of  
 3 deadly physical force and who is called as a witness before a grand jury in a proceeding re-  
 4 quired to be on the record under subsection (2) of this section is not admissible evidence in  
 5 a civil proceeding except:

6 (a) When the testimony before the grand jury is compelled under ORS 136.617; or

7 (b) When the testimony before the grand jury is offered as a prior inconsistent statement  
 8 to impeach the witness.

9 (11) This section does not create a cause of action.

10 (12) The failure of a certified shorthand reporter to record all of the grand jury pro-  
 11 ceeding required to be recorded under subsection (2) of this section does not affect the va-  
 12 lidity of any indictment or prosecution that arises from the proceeding.

13 **SECTION 13.** ORS 146.135 is amended to read:

14 146.135. (1) The district attorney for the county where the death occurs may order an inquest  
 15 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

16 (2) The district attorney may not order an inquest under this section concerning a death  
 17 that resulted from a police officer's use of, or order to use, deadly physical force until after  
 18 the district attorney has determined that the police officer did not commit a crime or a  
 19 grand jury has received testimony concerning the incident and has declined to indict the  
 20 police officer. As used in this subsection, "police officer" has the meaning given that term  
 21 in section 1 of this 2007 Act.

22 [(2)] (3) For the purpose of conducting an inquest, the district attorney shall have the powers  
 23 of a judicial officer as described by ORS 1.240 and 1.250.

24 [(3)] (4) The district attorney shall advise the jury of inquest as to its duties and instruct the  
 25 jury on questions of law.

26 [(4)] (5) The district attorney shall cause a record of the inquest proceedings to be made which  
 27 shall include the written order of inquest, a record of the testimony of witnesses and the written  
 28 verdict of the jury.

29 [(5)] (6) Within a reasonable time after the verdict is returned, the record of inquest shall be  
 30 filed in the district medical examiner's office for the county where the inquest was held.

31 [(6)] (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical  
 32 Examiner's office.

33 [(7)] (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

34 **SECTION 14.** ORS 146.135, as amended by section 13 of this 2007 Act, is amended to read:

35 146.135. (1) The district attorney for the county where the death occurs may order an inquest  
 36 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

37 (2) The district attorney may not order an inquest under this section concerning a death that  
 38 resulted from a police officer's use of, or order to use, deadly physical force [*until after the district*  
 39 *attorney has determined that the police officer did not commit a crime or a grand jury has received*  
 40 *testimony concerning the incident and has declined to indict the police officer*]. As used in this sub-  
 41 section, "police officer" has the meaning given that term in section 1 of this 2007 Act.

42 (3) For the purpose of conducting an inquest, the district attorney shall have the powers of a  
 43 judicial officer as described by ORS 1.240 and 1.250.

44 (4) The district attorney shall advise the jury of inquest as to its duties and instruct the jury  
 45 on questions of law.

1 (5) The district attorney shall cause a record of the inquest proceedings to be made which shall  
2 include the written order of inquest, a record of the testimony of witnesses and the written verdict  
3 of the jury.

4 (6) Within a reasonable time after the verdict is returned, the record of inquest shall be filed in  
5 the district medical examiner's office for the county where the inquest was held.

6 (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical  
7 Examiner's office.

8 (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

9 **SECTION 15.** ORS 181.662 is amended to read:

10 181.662. (1) The Department of Public Safety Standards and Training may deny the application  
11 for training, or deny, suspend or revoke the certification, of any instructor or public safety officer,  
12 except a youth correction officer or fire service professional, after written notice and hearing con-  
13 sistent with the provisions of ORS 181.661, based upon a finding that:

14 (a) The public safety officer or instructor falsified any information submitted on the application  
15 for certification or on any documents submitted to the Board on Public Safety Standards and  
16 Training or the department.

17 (b) The public safety officer or instructor has been convicted of a crime or violation in this state  
18 or any other jurisdiction.

19 (c) The public safety officer or instructor does not meet the applicable minimum standards,  
20 minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d).

21 **(d) The public safety officer failed to comply with section 5 (3)(b) of this 2007 Act.**

22 (2) The department shall deny, suspend or revoke the certification of a fire service professional,  
23 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding  
24 that the fire service professional has been convicted in this state of a crime listed in ORS 137.700  
25 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime  
26 listed in ORS 137.700.

27 (3) The department may deny, suspend or revoke the certification of any fire service professional  
28 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding:

29 (a) That the fire service professional falsified any information submitted on the application for  
30 certification or on any documents submitted to the board or the department; or

31 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold  
32 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other  
33 than a crime described in subsection (2) of this section.

34 (4) The department shall deny, suspend or revoke the certification of any public safety officer  
35 or instructor, except a youth correction officer, after written notice and hearing consistent with the  
36 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been  
37 discharged for cause from employment as a public safety officer.

38 (5) The department, in consultation with the board, shall adopt rules specifying those crimes and  
39 violations for which a conviction requires the denial, suspension or revocation of the certification  
40 of a public safety officer or instructor.

41 (6) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-  
42 lic safety officer or instructor, the department may:

43 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the  
44 public safety officer or instructor; or

45 (b) Revise or render void an order suspending or revoking the certification.

1 (7) The department shall deny, suspend or revoke the accreditation of a training or educational  
 2 program or any course, subject, facility or instruction thereof if the program, course, subject, facility  
 3 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640  
 4 (1)(g) or 181.650 (3).

5 **SECTION 16.** (1) A deadly physical force planning authority created by section 2 of this  
 6 2007 Act shall submit the plan required by section 2 (4) of this 2007 Act to the governing  
 7 bodies described in section 2 (7) of this 2007 Act no later than July 1, 2008.

8 (2) Notwithstanding section 2 (3) of this 2007 Act, for the period of time from the effective  
 9 date of this 2007 Act to June 30, 2008, the law enforcement agency that employs the police  
 10 officer selected under section 2 (1)(b) of this 2007 Act shall release the officer from other  
 11 duties for at least 80 hours to enable the officer to serve on the planning authority. The  
 12 agency shall compensate the officer at the officer's regular hourly wage while the officer is  
 13 engaged in planning authority activities during that period of time.

14 **SECTION 17.** A law enforcement agency shall adopt the policy required by section 5 (2)  
 15 of this 2007 Act no later than July 1, 2008.

16 **SECTION 18.** (1) A law enforcement agency that participates in the development of the  
 17 plan required by section 2 (4) of this 2007 Act shall keep track of the expenses it incurs by  
 18 reason of its participation. For purposes of this subsection and subsection (2) of this section,  
 19 "expenses" includes, but is not limited to, personnel costs.

20 (2) The Department of Justice shall award a law enforcement agency one credit for each  
 21 dollar of expenses incurred before July 1, 2008, by reason of the law enforcement agency's  
 22 participation in the development of the plan required by section 2 (4) of this 2007 Act.

23 (3) Notwithstanding section 4 (2) of this 2007 Act, when a law enforcement agency applies  
 24 for a grant under section 4 of this 2007 Act, the department, to the extent that funds are  
 25 appropriated to the department for the purpose, shall make a grant that exceeds 75 percent  
 26 of the expenses incurred by the law enforcement agency if the law enforcement agency has  
 27 unused credits awarded under subsection (2) of this section. When the department makes a  
 28 grant that exceeds 75 percent of the expenses incurred by a law enforcement agency, the  
 29 department shall deduct the amount of the grant that exceeds 75 percent from the credits  
 30 awarded the law enforcement agency under subsection (2) of this section.

31 (4) The department may adopt rules necessary for the administration of this section.

32 **SECTION 19.** ORS 132.430 is amended to read:

33 132.430. (1) When a person has been held to answer a criminal charge and the indictment in  
 34 relation thereto is not found "a true bill," it must be indorsed "not a true bill," which indorsement  
 35 must be signed by the foreman and filed with the clerk of the court, in whose office it shall remain  
 36 a public record. **Except for the recording and transcript required by section 12 of this 2007**  
 37 **Act,** in the case of an indictment not found "a true bill" against a person not so held, the same,  
 38 together with the minutes of the evidence in relation thereto, must be destroyed by the grand jury.

39 (2) When an indictment indorsed "not a true bill" has been filed with the clerk of the court, the  
 40 effect thereof is to dismiss the charge; and the same cannot be again submitted to or inquired of by  
 41 the grand jury unless the court so orders.

42 **SECTION 20.** A law enforcement agency, as defined in section 1 of this 2007 Act, may not  
 43 use moneys it receives under section 4 of this 2007 Act to supplant moneys from another  
 44 source that the law enforcement agency has been previously authorized to expend.

45 **SECTION 21.** There is appropriated to the Department of Justice, for the biennium be-

1 **ginning July 1, 2007, out of the General Fund, the amount of \$300,000 for the purpose of**  
 2 **carrying out the provisions of sections 4 and 12 (5) of this 2007 Act.**

3 **SECTION 22.** ORS 181.640 is amended to read:

4 181.640. (1) In accordance with any applicable provision of ORS chapter 183, to promote  
 5 enforcement of law and fire services by improving the competence of public safety personnel and  
 6 their support staffs, and in consultation with the agencies for which the Board on Public Safety  
 7 Standards and Training and Department of Public Safety Standards and Training provide standards,  
 8 certification, accreditation and training:

9 (a) The department shall recommend and the board shall establish by rule reasonable minimum  
 10 standards of physical, emotional, intellectual and moral fitness for public safety personnel and in-  
 11 structors.

12 (b) The department shall recommend and the board shall establish by rule reasonable minimum  
 13 training for all levels of professional development, basic through executive, including but not limited  
 14 to courses or subjects for instruction and qualifications for public safety personnel and instructors.  
 15 Training requirements shall be consistent with the funding available in the department's  
 16 legislatively approved budget.

17 (c) The department, in consultation with the board, shall establish by rule a procedure or proce-  
 18 dures to be used by law enforcement units, public or private safety agencies or the Oregon Youth  
 19 Authority to determine whether public safety personnel meet minimum standards or have minimum  
 20 training.

21 (d) Subject to such terms and conditions as the department may impose, the department shall  
 22 certify instructors and public safety personnel, except youth correction officers, as being qualified  
 23 under the rules established by the board.

24 (e) The department shall deny applications for training and deny, suspend and revoke certifi-  
 25 cation in the manner provided in ORS 181.661, 181.662 and 181.664 (1).

26 (f) The department shall cause inspection of standards and training for instructors and public  
 27 safety personnel, except youth correction officers, to be made.

28 (g) The department may recommend and the board may establish by rule accreditation stan-  
 29 dards, levels and categories for mandated and nonmandated public safety personnel training or ed-  
 30 ucational programs. The department and board, in consultation, may establish to what extent  
 31 training or educational programs provided by an accredited university, college, community college  
 32 or public safety agency may serve as equivalent to mandated training or as a prerequisite to man-  
 33 dated training. Programs offered by accredited universities, colleges or community colleges may be  
 34 considered equivalent to mandated training only in academic areas.

35 (2) The department may:

36 (a) Contract or otherwise cooperate with any person or agency of government for the procure-  
 37 ment of services or property;

38 (b) Accept gifts or grants of services or property;

39 (c) Establish fees for determining whether a training or educational program meets the accred-  
 40 itation standards established under subsection (1)(g) of this section;

41 (d) Maintain and furnish to law enforcement units and public and private safety agencies infor-  
 42 mation on applicants for appointment as instructors or public safety personnel, except youth cor-  
 43 rection officers, in any part of the state; and

44 (e) Establish fees to allow recovery of the full costs incurred in providing services to private  
 45 entities or in providing services as experts or expert witnesses.

1 (3) The department, in consultation with the board, may:

2 (a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid  
3 cities and counties to conduct surveys through qualified public or private agencies and assist in the  
4 implementation of any recommendations resulting from such surveys.

5 (b) Upon the request of law enforcement units or public safety agencies, conduct studies and  
6 make recommendations concerning means by which requesting units can coordinate or combine their  
7 resources.

8 (c) Stimulate research by public and private agencies to improve police, fire service, corrections  
9 and adult parole and probation administration and law enforcement.

10 (d) Provide grants from funds appropriated or available therefor, to law enforcement units,  
11 public safety agencies, special districts, cities, counties and private entities to carry out the pro-  
12 visions of this subsection.

13 (e) Provide optional training programs for persons who operate lockups. The term "lockup" has  
14 the meaning given it in ORS 169.005.

15 (f) Provide optional training programs for public safety personnel and their support staffs.

16 (g) Enter into agreements with federal, state or other governmental agencies to provide training  
17 or other services in exchange for receiving training, fees or services of generally equivalent value.

18 (h) Upon the request of a law enforcement unit or public safety agency employing public safety  
19 personnel, except youth correction officers, grant an officer, fire service professional, telecommu-  
20 nicator or emergency medical dispatcher a multidiscipline certification consistent with the minimum  
21 requirements adopted or approved by the board. Multidiscipline certification authorizes an officer,  
22 fire service professional, telecommunicator or emergency medical dispatcher to work in any of the  
23 disciplines for which the officer, fire service professional, telecommunicator or emergency medical  
24 dispatcher is certified. The provisions of ORS 181.652, 181.653 and 181.667 relating to lapse of cer-  
25 tification do not apply to an officer or fire service professional certified under this paragraph as  
26 long as the officer or fire service professional maintains full-time employment in one of the certified  
27 disciplines and meets the training standards established by the board.

28 (i) Establish fees and guidelines for the use of the facilities of the training academy operated  
29 by the department and for nonmandated training provided to federal, state or other governmental  
30 agencies, private entities or individuals.

31 (4) Pursuant to ORS chapter 183, the board, in consultation with the department, shall adopt  
32 rules necessary to carry out the board's duties and powers.

33 (5) Pursuant to ORS chapter 183, the department, in consultation with the board, shall adopt  
34 rules necessary to carry out the department's duties and powers.

35 (6) For efficiency, board and department rules may be adopted jointly as a single set of combined  
36 rules with the approval of the board and the department.

37 (7) The department shall obtain approval of the board before submitting its legislative concepts,  
38 Emergency Board request or budget requests to the Oregon Department of Administrative Services.

39 (8) **The Department of Public Safety Standards and Training shall develop a training  
40 program for conducting investigations required under section 5 of this 2007 Act.**

41 **SECTION 23. The Department of Public Safety Standards and Training shall complete  
42 development of the training program required by ORS 181.640 (8) no later than August 31,  
43 2008. The department shall submit a report summarizing the training program to the legis-  
44 lative interim committees dealing with the judiciary no later than September 30, 2008.**

45 **SECTION 24. (1) Sections 4, 10 to 12 and 20 of this 2007 Act and the amendments to ORS**

1 132.090, 132.430, 181.640 and 181.662 by sections 9, 15, 19 and 22 of this 2007 Act become op-  
2 erative on July 1, 2008.

3 (2) The amendments to ORS 146.135 by section 14 of this 2007 Act become operative on  
4 July 1, 2009.

5 SECTION 25. (1) Notwithstanding the effective date of section 5 of this 2007 Act, section  
6 5 (3) to (7) of this 2007 Act applies to incidents occurring on or after July 1, 2008.

7 (2) Section 12 of this 2007 Act applies to incidents occurring on or after July 1, 2008.

8 SECTION 26. This 2007 Act being necessary for the immediate preservation of the public  
9 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
10 on its passage.  
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