



# MEETING AGENDA



<b>Police Advisory Board</b>	
<b>Date &amp; Time:</b>	Thursday – October 17, 2024 7:00 pm
<b>Location:</b>	Sherwood Police Department, Community Room 20495 SW Borchers Drive, Sherwood 97140
<u>Attendees</u>	
<b>P.A.B. Members:</b>	<b>Council Liaison:</b>
Brian Dorsey - Chair	Council President Kim Young
Richard Amicci (TSC Liaison) - Vice Chair	<b>City Staff:</b>
Diane Foster	Chief Ty Hanlon
Brandi Morton	Angie Hass-Executive Assistant
Lawrence O'Keefe	
Mike Schultz	
Amanda van Arcken	
Chris West	
Laurie Zwingli	

**This meeting will be live streamed at:**  
<https://www.youtube.com/user/CityofSherwood>

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of August Meeting Minutes (Chair)
4. \*Citizen Comments
5. Board Member Announcements (Chair)
6. Business
  - A. Departmental Directive Review, Chief Hanlon
7. Traffic Safety Committee Update (TSC Liaison)
8. Councilor News
9. Staff Report(s)
10. Adjourn (Chair)

**\*How to Provide Citizen Comments:** Citizen comments may be provided in person, in writing, or by telephone. Sign-up forms will be available at the meeting for anyone who wishes to provide comments in person. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by email to [policeinformation@sherwoodoregon.gov](mailto:policeinformation@sherwoodoregon.gov) and must clearly state that it is intended as a general Citizen Comment for this meeting. To provide comment by phone during the live meeting, email or call, 503-625-5523, #2, at least 24 hours in advance of the meeting start time in order to receive dial-in instructions. In-person and telephone comments are limited to 4 minutes per person. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their name and by their city of residence." Anonymous comments will not be accepted into the meeting record.

**If you require an ADA accommodation for this public meeting, please contact the Sherwood Police Department at (503) 625-5523, #2 or [policeinformation@sherwoodoregon.gov](mailto:policeinformation@sherwoodoregon.gov) at least 48 hours in advance of the scheduled meeting time.**



# Meeting Minutes



<b>Police Advisory Board</b>	
<b>Date &amp; Time:</b>	October 17, 2024 - 7:00 pm
<b>Location:</b>	Sherwood Police Department-Community Room 20495 SW Borchers Drive Sherwood, OR 97140



<b>P.A.B. Members:</b>	<b>Council Liaison:</b>
Brian Dorsey - Chair	Council President Kim Young
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***This meeting was recorded and is available for viewing through the City of Sherwood’s YouTube channel:***

<https://www.youtube.com/watch?v=YfhWiCBXuXw&t=3577s>

## 1. Call to Order

Chair Dorsey called the meeting to order at 7:02 p.m.

## 2. Roll Call

**Board Members Present:** Chair Brian Dorsey, Vice Chair Richard Amicci, Diane Foster, Lawrence O’Keefe, Mike Schultz, Amanda van Arcken, Chris West and Laurie Zwingli

**Board Members Absent:** Brandi Morton

**Staff Present:** Chief Ty Hanlon, City Councilor Renee Brouse (sitting in for Council President Kim Young) and Executive Assistant-Angie Hass

## 3. Approval of August Meeting Minutes

Mr. O’Keefe moved that the August meeting minutes be approved as presented. Ms. Zwingli stated that she had notified Angie Hass about one correction. The correction had been made prior to the meeting. Ms. Foster seconded the motion. All present board members voted in favor of approval.

#### **4. Citizen Comments**

N/A

#### **5. Board Member Announcements (Chair)**

Ms. van Arcken asked what can be done if a strong marijuana smell is coming from a neighbor's home. Chief Hanlon replied that there is a nuisance ordinance within the City code, that can be applied to smell. They would probably want to look at it from the law enforcement side, first. The best thing to do would be to call the non-emergency dispatch with an address. He told of a recent incident that started out with an extremely strong smell of marijuana that permeated into a neighbor's home. A search warrant was served and, he believes, ten indictments came down as a result. He stated that although marijuana is legal, people abuse it like crazy, growing and doing what they're doing. People can have up to four plants, which can get pretty big and, obviously, a really strong odor.

Ms. Zwingli gave a shout out to the Forest Grove PD for their recent social media posts. They did a really good job informing citizens of a scam going around where people are receiving calls from someone saying they're from the police department. Chief Hanlon shared that the SPD had also posted about that particular scam and told of some instances where citizens were scammed out of thousands of dollars.

Mr. West stated that the grandparent scam had been attempted with his parents, several years ago. Fortunately, his father realized it was a scam.

Mr. West gave a shout out, once again, to seeing Sherwood's finest cruising down his street on his Ring camera at 2:00 in the morning. He shared that he had spent some time with former Chief Groth, recently. It seems like he is doing really well.

Vice Chair Amicci gave a shout out to the SPD regarding a recent call to dispatch that a group he was with had made. He explained that there was a child that appeared to be lost at one of the schools, where he was attending a sporting event. Within two minutes, two people from the mental health response team showed up to assist the non-verbal child. He was very impressed to see the response. By the time he left, they noticed what appeared to be the panicked parents running towards the child. It is incidents that like this, that make him feel confident there are the right components in place to help people in these types of situations. Vice Chair Amicci stated that one of the responders had "Clinician" on her back. The Chief explained that the clinician rotates between Tualatin, Tigard and Sherwood and how the shared resource works. He added that they really need to have two clinicians. The team works afternoons and evenings and there are a fair amount of calls received in the early morning hours.

Mr. West asked who had replaced Officer Keese when he was promoted to Sergeant. Chief Hanlon replied that Officer Amy Lawrence was hired to fill that spot, once it was vacated.

Chair Dorsey gave kudos to the most recent episode of Crimey Chronicles. Anytime we get to show the humanity of our officers, it's a good thing. It's a good opportunity to show people what they put up with. They're not robots and not out there without heart, head and feelings. They want to do what's best for the community. Vice Chair Amicci stated that he learned something off of one of the episodes. It was about how you can't walk on abandoned railroad tracks. He didn't realize it was trespassing, but it makes perfect sense. He agreed that there are a lot of positive messages that come out of those episodes, for sure.

Chair Dorsey shared that his wife and he had really gotten a kick out of all of the comments posted for the upcoming Hide-n-Seek with a Cop. Chief Hanlon told of how the idea came about. Officer Mattson had let him know that another agency had done this somewhere else. Chief Hanlon checked with the City Attorney and others before giving his approval. They had expected only a few people to sign up, but the numbers keep growing. He went on to explain how it will work. Officers won't be chasing people down, or tackling anyone, etc. It will be interesting to see how it goes.

## **6. Business (Chair / Staff)**

### **A. Departmental Directive Review (Chief)**

**See exhibit "A".**

Chief Hanlon went over why there is a need to put out a Departmental Directive, on occasion. This occurs when something needs to get out to officers in a more timely manner. This particular Directive was due to legal updates that had been put in place regarding an incident where an individual was suffering from a mental health crisis, held down and, subsequently, died. When dealing with these subjects, they don't want law enforcement putting knees or anything else on backs. Officers already knew that they couldn't be applying pressure on necks. This is specific to the mental health side of it, but it does always present a challenge when dealing with anyone out there. The fact is that these people are committing crimes and officers are called out to try and resolve the issue. Sometimes, when taking these individuals into custody, there can be knock down, drag outs. This ruling is just an FYI. They need to be extra careful and more conscientious when they're dealing with these people, how they're applying pressure. This ruling was a three judge ruling of the ninth circuit court and is going to the next level where it could be appealed. If this does pass, then they will need to make an official change to their policy.

Vice Chair Amicci asked if the Directive has an expiration date or if it just stays in place until the ruling and it needs to become policy. Chief replied it is the latter.

Chair Dorsey commented that the language where it talks about applying pressure is very general. It doesn't say anything about applying pressure for a prolonged period or anything. It seems very vague to him. The Chief replied that it is considered deadly force, which is really problematic. It rises to the level of them bringing a firearm into the mix, it's just not good. He understands where the intent was. As we know, there are a lot of knee jerk reactions to these things, but the true application in the real world is just not there. That is why they hope this will be overturned. As it stands, this is where they are.

Chair Dorsey told of an incident in Arizona where a person was deaf and had epilepsy and how police officers responded. He asked the Chief how Sherwood officers would have responded. The Chief replied that it really depends on the circumstance, as every situation is unique. He would have to see the video. Officers really want to avoid hands on, if possible, and prefer to create distance. Vice Chair Amicci stated that the severity of the crime should have come into play. In this case, the crime was shoplifting. Mr. O'Keefe added that there could have been more that had happened, it just wasn't shown on the video. Chief Hanlon said it is always hard to watch a group of cops pile on someone, especially if you don't know the context of how it got to that point. That is how the media wants cops to be seen – as this evil source that just jumps on people. Unfortunately, there are some situations where this has happened. Chief Hanlon spoke of different situations and how officers train for many different possible scenarios. People can be dangerous and they can be violent in an instance. There are violent people here in Sherwood and he reminds officers of this every day. Sherwood is a great community, but HWY 99 is a major thoroughfare. People head here from the coast, where there is a huge drug problem. The DEA Officers are incredibly busy. He wished that he could show the board members how much stuff they take on a constant basis from people coming up and down I-5 and in the metro area. It's shocking. Ms. Zwingli stated that she knew about I-5, but was surprised to learn about HWY 99. Chief Hanlon stated that the things being seized pale in comparison to what really passes through there. There are fentanyl overdoses in Sherwood. He added that they have had Len Bias cases, which are federal investigations. They investigate where the drugs were obtained, track down the dealers, etc. These are not things that are put out on Crimey Chronicles.

Chair Dorsey stated that was informative and just goes to show that they're on top of it. They are doing things the right way and that's what's allowing them as a city to thrive and not to have all the other issues other cities are running into. Sherwood hires great people with great hearts and that's so important.

Chief Hanlon spoke of September 1<sup>st</sup>, when pcs possession once again became a crime. Because several of the new officers weren't here before this law, they are having to be trained. Washington County is doing a good job of utilizing the Deflection Program. It will help the people that need it and it also gives them the tool to enforce and deal with the drug use.

## **7. Traffic Safety Committee (TSC) Update**

Vice Chair Amicci reported that the TSC had been really busy. They had two meetings since the last PAB meeting (August and September). A lot of the uptick has come in after the Facebook post. They have received about a half dozen new requests for each meeting. A lot of the requests are out of the city's jurisdiction and/or not traffic concerns. There have been several that they've been able to discuss and take simple votes on. Nothing of substance, per sé. There are a couple of bigger, lingering issues that they will be following for a while. One that the TSC is not able to take care of, is the crosswalk in front of Archer Glen. There have been a lot of discussions throughout the community about the safety aspects there. City staff has had to go through the process of getting postmaster approval to have the mailbox that is by the crosswalk, moved. Last he heard, that had been approved. There have been talks about putting an island in the middle, having the curbs come out to shorten the lanes, etc. Those types of decisions are outside the TSC's scope. It will need to get elevated somewhere else.

They've recently, reluctantly, closed an issue regarding Elwert by the High School. The issue/concern is that the school zone doesn't extend past the intersection. That part of the road is owned and managed by the county. He explained that if the city ever gets control of that portion of the road, perhaps something can be done then.

There is a new GIS system that is being rolled out. It is live, internally, so it can be populated with data that was downloaded for them. It is a mapping system that can track where there's a traffic concern or complaint that was submitted from the citizens, as well as things that the city's Engineering Department has identified. This will help to track the history. Citizens can go on the city website to see if a complaint has already been submitted for a particular concern, etc. It will help them to be more efficient. The City Manager is excited to have this finally set up. Chair Dorsey asked if several complaints come in regarding the same issue, does the dot grow bigger, etc.? Vice Chair Amicci stated that was a good question and one that he will ask at the next meeting. Having something like this accessible to the public is huge.

Ms. Zwingli asked if the safety concerns on Elwert have been passed along to the county. Vice Chair Amicci explained that the City Engineer has called them multiple times and received the same answer over and over. Ms. Zwingli would like to see an official letter sent out from the TSC, or the city itself, to the county explaining the issues and concerns, before someone gets hit. Mr. West shared that he felt contacting commissioner elect, Jason Snider, would be good. Maybe letters need to come from additional people, such as the City Engineer and the Acting City Attorney. Ms. Zwingli stated that the more people to send letters, the better. Chief Hanlon knows that this goes hand in hand with the requests for speed reductions that was advocated on Elwert and Edy. It took a while for the traction to get going, but those have been reduced. He talked a bit about how it worked when the school boundaries were moved on Sherwood Blvd. Vice Chair Amicci added that Haide Road will soon become a city road. They will be able to, then, put a school zone right up to the intersection there. Ms. Zwingli asked about the work on Elwert Road and why it is closed. The Chief explained that they are working on the big dip in the road where water is always overflowing. Vice Chair Amicci stated that the road will re-open that next week.

Mr. West asked Vice Chair Amicci for a little more clarification on the crosswalk concerns by Archer Glen. Vice Chair Amicci shared some of the concerns, including the mailbox blocking pedestrian view. Most citizens are asking for flashing crosswalk lights. There is concern that this might not really help, since the stop sign / crosswalk located on Sunset by Snyder Park is being ran all the time. He went on to explain why these requests are not in the TSC's scope. Mr. West talked about some of the challenges that his family has experienced.

Ms. van Arcken asked if the crosswalk on 99 will go away, once the ped bridge goes up. Vice Chair Amicci stated that was a good question.

Ms. van Arcken asked if the TSC is still in need of a back up liaison. After a brief discussion, Mr. West made a motion to elect Mr. O'Keefe to be the back up for Vice Chair Amicci. Ms. van Arcken seconded the motion. All board members voted in favor.

Chief Hanlon shared that there has been some discussion about the TSC becoming a stand alone committee. The Council has been working on this. It would add a City Councilor liaison, which would be a value all the way around. He explained how that would work.

## **8. Councilor News**

Councilor Brouse was asked what boards she serves as a liaison for. She replied that her liaison-ship is on the Housing Advisory Committee with Washington County, the Senior Advisory Committee and the Youth Substance Abuse Team (YSAT). She is also a backup to others. She would like to be involved in the Youth Advisory Board, when that gets started up.

Councilor Brouse shared what the Council did at that last Tuesday's meeting. They have approved moving forward with food carts/pods. She explained that there will be certain parameters. Someone would need to purchase land within the city limits, have at least five food trucks, as well as construct a permanent bathroom facility in some sort of a structure. Councilor Brouse answered several questions about the requirements. A suggestion was made that the empty lot the city owns on the corner of Sherwood Blvd and 3<sup>rd</sup>, would be a good location.

Councilor Brouse stated that the crosswalk at Archer Glen will more than likely be included in a Safe Routes to School project. That area is definitely on the city's and the City Manager's radar.

The Council had also talked about artwork that might be at the front of the ped bridge, at that week's Work Session. This will be viewable from the northbound traffic. They are looking for input.

They are waiting on pins and needles on what Metro will decide regarding Sherwood West. It sounds like they are closer to having that come through. Mr. West shared that a large coalition of organizations signed a letter on the general urban growth report. A total of 18 organizations sent that letter. Councilor Brouse stated that there were definitely more organizations in favor of, than opposed. The biggest holdup right now is if metro will dictate affordability and what that means for our community.

The Council won't be meeting on the first Tuesday in November, as that is Election Day. They will be having a special Work Session on the 29<sup>th</sup> of October. They have a meeting scheduled on November 19<sup>th</sup>. The Work Session on the 3<sup>rd</sup> of December will be an opportunity for the Police Advisory Board Chair to provide an update to the City Council on what the board has been working on this year, their future goals, etc.

The City Council will begin working on their goals, electing a Council President, etc., in January.

A Veteran's Day Celebration & Recognition Lunch is scheduled for November 11<sup>th</sup>, 11-12:30, at the Sherwood Center for the Arts. If anyone is interested in attending, please contact Tina at the City Manager's office. The Luncheon is open to anyone who wants to attend.

## **9. Staff Report(s)**

Chief Hanlon stated that Sherwood West is going to be a topic of discussion for many years to come. They will have a better idea of where things will land, probably in December, regarding density, expectations and all those things. That will dictate police services and requirements needed in moving forward. Although it's down the road, they need to figure out what that's going to look like as an agency. What kind of personnel are they going to need and how are they going to fund it? The PD has always been funded through the city's General Fund. That is not going to be sustainable much longer, in his opinion. Not only are they going to need bodies, but they have the added challenge of keeping up with technology. The cost of technology is outpacing personnel costs. The expectation is that they have the technology, such as body worn cameras, tasers, etc. AI is coming. All of the report writing systems are incredibly expensive. As a board, they really need to pick up the ball and continue with the conversations. Sherwood PD is the only city in the metro area that doesn't have a law enforcement levy or fee to support the department. He knows it's tough to get out and ask for money and would like to look at different avenues in how they can get that support. He wants to be creative and thoughtful about it. Their social media has been invaluable. They have garnered a ton of support in the community. People are learning who they are, the importance of the livability issues that they address and how important it is to feel free to walk in this town in the middle of the night. Sherwood West is just going to expedite that. 2025 is going to be their year to really start digging in and figuring out what that needs to look like. He thinks it is going to be fun and challenging and believes there are a lot of cool things that they can do, including discussions they can have with community members. Mr. West spoke of previous talks regarding PD funding. When Sherwood West does come in, there could be a lag between when the new properties are built and when the tax funds would be available. It could be two years after Sherwood West is built before money would be available for the PD, even though the services would be required. The board will need to address the short and long term PD funding. The Chief added that the services would also include AMR, TVF&R, etc. He reminded everyone that when they hire a new officer, it takes a full year of training before they are on their own.

Chief Hanlon reported that they are currently in the hiring process for hiring one officer. Interviews will be taking place over the next few weeks. Two department members will be retiring in 2025. They have to start planning now. Chair Dorsey asked if they are looking for laterals. Chief Hanlon explained that laterals are ideal, because it cuts out months and months of training, but you have to find the right ones. Ms. Foster asked if they are still getting lots of applicants. The Chief replied that they had seven or eight that qualified as laterals and approximately 40 entry level applicants.

They are down to around 19, total. He went on to explain a little bit about the process. The goal is to hire someone by January 1<sup>st</sup> and then they will work on the retirement component of things, as well. Ms. Foster asked if they have to start fresh with the process each time, even if there are some applicants from the previous process that had been qualified and/or considered. The Chief explained that would depend on the quality of the candidates. Vice Chair Amicci asked if there were two really good candidates, would they be able to hire both? The Chief replied that they wouldn't be able to do that.

Officer Mitchell is back from maternity leave. They are really glad to have her back.

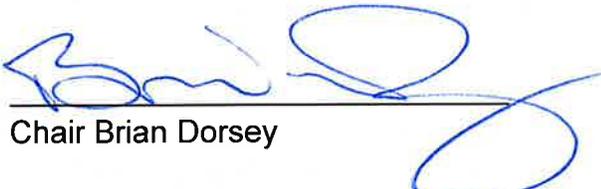
Mr. West asked if the cameras at Roy Rogers are back up. Chief Hanlon stated that they have speed enforcement there, but not red light enforcement, yet. They will be back on soon – within a month or two. Mr. West asked if the city is still splitting the cost of the SRO's with the school district. Chief Hanlon confirmed that was correct and added that the school superintendent is very supportive of the SRO Program.

**10. Adjourn (Chair)**

At 8:13 pm, Ms. Zwingli made a motion to adjourn the meeting and Mr. West seconded the motion. All board members voted in favor.

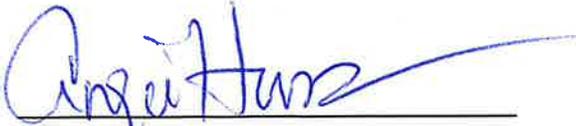
**The next meeting is scheduled for November 21<sup>st</sup> at 7 p.m.**

Approval of Minutes:

  
Chair Brian Dorsey

11/21/2024  
Date

Attest:

  
Angie Hass-Executive Assistant

11/21/2024  
Date

# Exhibit "A"

## Sherwood Police Department

20495 SW Borchers Drive

Sherwood, OR 97140

Ph: 503-625-5523 ♦ Fax: 503-925-7159



## Departmental Directive

<input type="checkbox"/> General Directive	<input type="checkbox"/> Emergency Directive	<input type="checkbox"/> Informational Directive	<input checked="" type="checkbox"/> Legal Directive
<input type="checkbox"/> Personnel Directive	<input type="checkbox"/> Special Directive	<input type="checkbox"/> Training Directive	
SUBJECT: <i>Scott v. Las Vegas</i>		Directive #: 24-001	Date: 8/15/24
		Approved By: Hanlon	Effective: 8/15/24

### Overview

The 9<sup>th</sup> Circuit recently issued an opinion in the case *Scott v. Las Vegas* regarding the use of pressure on the back of a mentally ill subject not suspected of committing a crime while officers were restraining the subject. The ruling is noteworthy in that in the 9<sup>th</sup> Circuit **it is considered deadly force to apply pressure to a person's back while they are prone**. Officers must be aware of this decision when restraining a person who is prone. Significant legal justification is required to support a decision to apply pressure to a person's back or neck while they are on the ground. Officers should remember the *Graham* factors used to determine the appropriateness of a force response as well as statutory restrictions on the use of deadly force as they decide to apply pressure to a person's back and neck.

### Background

Officers with the Las Vegas Metro Police Department (LVMPD) responded to a call from Scott for help. Scott, a 65-year-old man, was hallucinating that assailants were armed with a saw outside his apartment. Officers arrived, formulated the belief that Scott was mentally ill, and knocked for seven minutes while attempting to persuade him to open the door. When Scott did open the door, he was armed with a metal pipe that he quickly dropped when ordered. Scott also told officers he was armed with a knife which he surrendered when asked. He did not threaten the officers at any time.

Officers decided to take Scott for a medical evaluation and told him to face the wall while shining a flashlight on him. He told the officers the light bothered him and that he was paranoid schizophrenic. Scott said he could not turn around because he was paranoid. The officers approached, grabbed him by the arms, and took him to the ground. During the initial struggle on the ground that lasted a couple minutes Scott was on his back while officers held Scott's arms to his sides and Scott was screaming for them to leave him alone. Officers rolled Scott to his stomach and held his hands behind his back for a couple minutes while one officer applied pressure to his back and neck.

After handcuffing Scott, they rolled him to his side. Scott was bleeding from where his face had made contact with the ground. Scott stopped screaming and became unresponsive. Paramedics arrived and he was still unresponsive. He was later pronounced dead. The expert for Scott's estate said he died from restraint asphyxia.

### Analysis

The court decided, based on 9<sup>th</sup> circuit precedence, the use of bodyweight on a prone person can cause compression asphyxia. Further, the court decided that because there was a substantial risk that such force could cause death or serious physical injury, it was considered to be a deadly force application. Since the officers were attempting to restrain a subject suffering from mental illness, who was accused of committing no serious criminal offense, the court ruled a jury could find the force was excessive. The court was said that **any reasonable officer should know that bodyweight force on the back of a prone, unarmed person who is not suspected of a crime is constitutionally excessive**.

### Take-away

With this ruling, Officer should remember to continuously evaluate the need for government intrusion against the person's competing 4<sup>th</sup> Amendment right to be free of unreasonable search or seizure. In other words, we need to constantly ask why we need to restrain someone, whether that restraint is reasonably necessary, and if the amount of force we are using is also objectively reasonable under the totality of the circumstances.

Officers should remember the *Graham* factors used to determine the objective reasonableness of a force response:

1. Severity of the crime
2. Whether the suspect poses an immediate threat to the safety of the officer or others
3. Whether the suspect is active resisting arrest
4. Whether the suspect is attempting to evade arrest by flight

Determining the objective reasonableness of a force application requires careful attention to the facts and circumstances as they relate to the factors above. There are allowances for the fact that officers are required to make split second decisions under tense, uncertain, and rapidly evolving situations.

When dealing with mentally ill persons who are not accused of committing a crime, we must set aside the first, third, and fourth *Graham* factor because the person is not considered to be under arrest. Primary concern is whether the subject is an immediate threat to the safety of the officer or others and what level of threat they present. Consider the subject's Intent, Ability, and Opportunity to be a threat. Intent is our perception, based on the subject's actions and statements, of what the subject is going to do to harm us or others. Ability is the subject's capacity to act on that intent. Opportunity is the subject's chance to act on that Intent. As an example, if we are dealing with a mentally ill subject who is threatening to kill their roommate by stabbing them, we must evaluate whether or not the subject is armed with a knife and has immediate access to the roommate to follow through with their threat. If all three elements (Intent, Ability, Opportunity) are present, the subject presents an immediate threat and we can use force to thwart or overcome that threat.

Oregon Revised Statute (ORS) 161.242 provides restrictions on when peace officers can use deadly force. When attempting to restrain a mentally ill person who is not accused of committing a crime, deadly force can be used only to defend ourselves or others from the imminent threat of death or serious physical injury. Additional considerations apply to the decision to use deadly force in Oregon but with this ruling in *Scott* officer must take into account how bodyweight pressure to a person's back and neck must be justified under the totality of the circumstance.