



**CITY OF JACKSONVILLE  
CITY COUNCIL AGENDA  
OLD CITY HALL, 205 W Main St**

**CITY COUNCIL  
City Council Meeting**

**February 4, 2020  
6:00 pm**

- 1) **CALL TO ORDER** (includes call to order, pledge of allegiance)
- 2) a. **MINUTES** January 21, 2020  
b. **BILLS LIST**
- 3) **PUBLIC COMMENT (items not on the agenda) limited to 3 minutes per speaker, refer to "Speaking Time Limit" guidelines below:**
- 4) **STAFF / DEPARTMENT REPORTS**
  - a. **Admin Department** - Jeff Alvis / Stacey Bray /Angela Watson
  - b. **Planning Department** - Ian Foster
  - c. **Police Department** - Chief Towe
  - d. **Fire Department** – Interim Fire Chief Wayne Painter
  - e. **Mayor** - Paul Becker
- 5) **ACTION / DISCUSSION ITEMS**

The public will be allowed to speak, one time, to certain items during the action/discussion items. In order to speak you must sign in with the Recorder under the item for which you wish to speak. **Speaking Time Limit: To allow equal time for speakers, each speaker has 3 minutes; a reminder will sound and speaker has another 1 minute to complete presentation. At that time, the chair will sound gavel, ending presentation and thank the speaker. This rule also applies to reading written communications. There will be no ceding of time among speakers.**

  - a. **Study Session – Regional Water Rights Strategy**
  - b. **Jackson County Deadly Physical Force Plan Revisions**
  - c. **Resolution No R2020-001: A Resolution Accepting the Appointments and Terms for Committees and Commissions**
  - d. **Plan of Action Relating to FY 2018-19 Audit**
- 6) **COUNCIL COMMITTEE REPORTS AND DISCUSSION**
- 7) **ADJOURN**

Please let the City offices know if you will need any special accommodations to attend or participate in the meeting by calling (541) 899-1231. Informational documents for items on this agenda are available for review on the City website [www.jacksonvilleor.us](http://www.jacksonvilleor.us). A recording of the meeting will be available on the website within one week of the meeting.

Action minutes along with electronic recordings of the meeting, which may be reviewed on-line on the City of Jacksonville website <http://www.jacksonvilleor.us>.

## January 21, 2020 at Old City Hall, 205 W Main St, Jacksonville

- 1) **CALL TO ORDER (includes call to order, pledge of allegiance) 6:00 pm**  
Present: Councilors Bowen, Casaleggio, Garcia, Gregg, Lewis, McClain and Mayor Becker  
Absent:  
Staff Present: Administrator Alvis, Finance Director Bray, Interim Fire Chief Painter, and City Recorder Watson
- 2) **a. MINUTES (minutes from January 7, 2020 meeting)**  
Move to: Approval  
Motion by: Councilor Casaleggio  
Seconded by: Councilor Bowen  
  
Vote:  
Ayes: Unanimous  
Motion Carries  
  
**b. BILLS LIST**  
Move to: Approve Bills List  
Motion by: Councilor Bowen  
Seconded by: Councilor Gregg  
  
Roll Call Vote:  
Ayes: 7 Councilors Bowen, Gregg, Casaleggio, McClain Lewis, Garcia and Mayor Becker  
Nays: 0  
Motion Carries  
  
Councilors ask specific questions regarding line items on the bills list. Administrator Alvis answers.
- 3) **PUBLIC COMMENT (items **not** on the agenda) limited to 3 minutes per speaker.**  
None.
- 4) **STAFF / DEPARTMENT REPORTS**
  - a. **Admin Department** – Jeff Alvis/Stacey Bray / Angela Watson  
Administrator Alvis speaks to:
    - Grayback Forestry waiting for the right type of weather to burn in Jacksonville.
    - The City applied for a seismic grant for the Fire Department.
  - b. **Planning Department** -Ian Foster
  - c. **Police Department** - Chief Towe
  - d. **Fire Department** – Interim Fire Chief Painter
  - e. **Mayor** – Paul Becker
- 5) **ACTION / DISCUSSION ITEMS**  
(The public will be allowed to speak, one time, to certain items during the action/discussion items. In order to speak you must sign in with the Recorder under the item for which you wish to speak)
  - a. **Presentation of FY 2018-19 Audit**  
Public Comment: None.

Council Discussion: Accountant Mark Damon with KDP, LLC speaks to the City Council regarding the audit that was performed for the fiscal year 2018 – 19. Councilors ask specific questions to items regarding the audit report. Accountant Damon answers.

**b. Fire Department 2019 Annual Report**

Public Comment: None.

Council Discussion: Interim Fire Chief Painter presents the 2019 annual report to the City Council and speaks to accomplishments from the year 2019 and the priorities for the year 2020. Council thanks Interim Fire Chief Painter for a thorough report.

**c. Planning Commission Appointment**

Public Comment: None.

Council Discussion Administrator Alvis speaks to process regarding voting for the Planning Commissioners. Councilors circle their vote and pass ballot to City Recorder Watson. Finance Director Bray and City Recorder Watson tally the results. Mark Thomas and Brad Bennington have been elected to the Planning Commission

Ballot Vote:

For Mark Tomas incumbent (7) – Councilors Bowen, Casaleggio, Garcia, Gregg, Lewis, McClain and Mayor Becker

For Brad Bennington (5) – Councilors Bowen, Garcia, Gregg, Lewis and Mayor Becker

For Marshall Thompson (2) – Councilors Casaleggio and McClain

**d. Council Determination on Citizen Advisory Committee Appointment**

Public Comment: None.

Council Discussion: Administrator Alvis speaks to Council regarding process to review the applications that were turned into the City to serve on the Citizen Advisory Committee.

Move to: Council to refer the applications to the CCI for recommendations with Council review of the recommendations to be on March 3, 2020 with a recommendation of 7 applicants.

Motion by: Councilor Bowen

Seconded by: Councilor Lewis

Vote:

Ayes: Unanimous

Motion Carries

**e. Set Study Session for Water Rights Strategy**

Public Comment: None.

Council Discussion: Administrator Alvis speaks to Council to set a date for a study session to discuss a water rights strategy in this region. Ed Olson has been invited to speak to the council regarding the strategy. The council agreed to schedule the study session February 4, 2020 at 6:00 pm during a regular City Council meeting.

**6) COUNCIL AND COMMITTEE REPORTS AND DISCUSSION**

a. Councilor Bowen: No Report.

b. Councilor McClain: No Report.

- c. Councilor Casaleggio: No Report.
- d. Councilor Gregg: No Report. Councilor Gregg speaks to a project regarding a plaque that will be hung in the New City Hall to recognize the citizens that have been awarded Person of the Year or Life Time Achievement.
- e. Councilor Garcia: Recaps the Park and Visitors Services Committee meeting from January 9, 2020.
- f. Councilor Lewis: No Report.
- g. Mayor Becker: No Report.

9) **ADJOURN 6:55 PM**

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Paul Becker, Mayor

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Angela Watson, City Recorder

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

**CITY OF JACKSONVILLE  
Bills Against the City - City Council  
FEBRUARY 4, 2020**

**GENERAL FUND - ADMINISTRATION DEPARTMENT**

Vendor Name	Description	Amount
4Kiwis Construction	install gutters @NCH	580.00
Grounded Electrical	exterior light @ Art Presence	400.00
Grounded Electrical	wall wash fixture @ NCH	462.00
		<b>1,442.00</b>

**GENERAL FUND - PLANNING DEPARTMENT**

Vendor Name	Description	Amount
Forrest Consulting LLC	replacement planning computer	1,298.00
Forrest Consulting LLC	install of planning computer	275.50
Superior Stamp and Sign Co.	planning commission name plate	20.75
		<b>1,594.25</b>

**FIRE PROTECTION FUND**

Vendor Name	Description	Amount
Cascade Fire Equipment	supplies for SAFER grant	155.00
Hydrotech Manufacturing LLC	repairs to shelf in fire engine	840.00
Minuteman Press of Medford	standing order books	124.55
Tami Smith Alterations	uniform alterations	42.49
		<b>1,162.04</b>

**POLICE PROTECTION FUND**

Vendor Name	Description	Amount
Dick's Wrecker Service	Tow P.D. vehicle to auto shop	65.00
Quill Corporation	supplies	145.50
Rick Savage Auto Body LLC	paint donated P.D. motorcycle	400.00
Rogue Shred LLC	confidential shred	37.60
		<b>648.10</b>

**WATER FUND**

Vendor Name	Description	Amount
KAS & Associates Inc.	engineer rebill - S.Third St.	291.38
		<b>291.38</b>

**PARKS FUND**

Vendor Name	Description	Amount
Grounded Electrical	electric wall hand dryers @ inter mobile center	1,060.00
Jacksonville Chamber of Commerce	TLT grant reimb. haunted trolley effects	4,000.00
Jacksonville Chamber of Commerce	TLT grant reimb. new website	8,000.00
Jacksonville Chamber of Commerce	TLT grant reimb. transition new staff	5,000.00
Jacksonville Chamber of Commerce	VIC reimb. Dec. 2019	3,898.05
Robert Roos	TLT mktg fund reimb. new lodging assoc. website	4,007.90
Zoll's Lawn & Garden Equipment	chain replacement	37.20
		<b>26,003.15</b>

**CAPITAL PROJECT FUND**

Vendor Name	Description	Amount
ZCS Inc.	engineering for 2nd floor @ NCH	3,812.50
		<b>3,812.50</b>

**TOTAL: 34,953.42**

APPROVED BY:

DATE:

# Jacksonville City Council Agenda Item Summary



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## Study Session – Regional Water Rights Strategy

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Date: January 30, 2020  
From: Jeff Alvis, City Administrator

City Council Meeting: February 4, 2020  
Agenda Item: 5a

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### **Synopsis:**

This study session will consist of Ed Olson from Varius Engineering (former Medford Water Commission Manager) and myself discussing the following:

- History of Jacksonville's Water Supply and Related Water Rights
- Status of Jacksonville's Current Water Rights
- Partnership to Coordinate Certification of Water Rights and Protect Future Supply
- Next Steps in the process

### **Exhibits:**

Exhibits will be handed out at the Study Session

# Jacksonville City Council Agenda Item Summary



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## Jackson County Deadly Physical Force Plan Revisions

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Date: January 30, 2020  
From: David Towe, Police Chief

City Council Meeting: February 4, 2020  
Agenda Item: 5b

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### **Synopsis:**

Revisions have been made to the Jackson County Deadly Force Plan, which was originally adopted in June 2008. Jackson County Commissioners held a public hearing in August 2019, at which time there were no public comments. The plan has been approved by the County Commissioners. The Plan must go before governing bodies of local jurisdictions for approval prior to submitting to the Attorney General's office for approval.

The changes were minimal from the original SB Use of Force Plan in 2008 and are as follows:

1. *Added an additional assignment to the Companion Officer in Section 4 C. The change added "The companion officer should ensure the involved officer maintain his/her weapon in place, in the same condition as it was at the conclusion of the incident, until an ammunition count is conducted by an assigned MADIU investigator, and in appropriate circumstances surrendered to the MADIU investigator."*
2. *In Section 5 C (5) the language was changed from audio and/or visually recorded to "recorded by stenographer, audio or video".*
3. *In Section 5 we removed a provision on intoxicant testing. If the need for intoxicant testing arose, we would seek a search warrant.*
4. *In Appendix B, Role of the Companion Officer, we included the same language as in the #1 above."*

### **Fiscal Impact:**

N/A

### **Recommendations:**

Staff recommends approval of the Jackson County Deadly Physical Force Plan with revisions.

### **Exhibits:**

Exhibit A – Jackson County Deadly Physical Force Plan

# JACKSON COUNTY DEADLY PHYSICAL FORCE PLAN

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Originally adopted June 3, 2008

Revised June 22, 2018

Public Hearing August 7, 2019

\_\_\_\_\_, 2018

City Council  
February 4, 2020  
Agenda Item 5b  
Exhibit A

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**Jackson County, Oregon**  
**Deadly Physical Force Planning Authority**

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Members of the Planning Authority

~~Beth Heckert~~~~Mark Huddleston~~, Jackson County District Attorney ~~eyey (co-chair)~~  
~~Nathan Sickler~~~~Rod Countryman~~, Jackson County ~~Undersheriff (co-chair)~~~~Sheriff~~  
Chief ~~Kris Jon Zeff~~~~Allison~~, Central Point Police, police chief representative  
~~Sgt. Jeff Proulx~~~~Lt. Jeff Fitzgerald~~, Oregon State Police, OSP representative  
Det. ~~Ferry Newell~~~~Tony Young~~, Medford Police, non-management representative  
~~Jim McKenzie~~~~David Carter~~, PSSC, citizen member

On ~~March 18, 2008~~~~June 22, 2018~~ this Plan was approved by a unanimous vote of the Planning Authority, and submitted to governing bodies of the following jurisdictions:

- Jackson County ..... Approved ~~April 2, 2008~~ April 2, 2008
- ~~City of Butte Falls~~ ..... ~~Approved April 22, 2008~~
- City of Ashland ..... Approved ~~April 1, 2008~~ April 1, 2008
- City of Central Point ..... Approved ~~April 10, 2008~~ April 10, 2008
- City of Eagle Point ..... Approved ~~May 13, 2008~~ May 13, 2008
- City of Jacksonville.....~~.....~~Approved ~~May 6, 2008~~ May 6, 2008
- City of Medford ..... Approved ~~April 17, 2008~~ April 17, 2008
- City of Phoenix ..... Approved ~~April 7, 2008~~ April 7, 2008
- City of Rogue River ..... Approved ~~May 22, 2008~~ May 22, 2008
- ~~City of Shady Cove~~ ..... ~~Approved April 17, 2008~~
- City of Talent ..... Approved ~~April 16, 2008~~ April 16, 2008

Upon receiving a vote of approval from all of the above jurisdictions, this Plan was submitted to the Attorney General, who approved the Plan on ~~June 3,~~ 2008.

## Preamble

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 the law enforcement officer fairly, and promotes public confidence in the criminal justice system.

The investigation of these incidents presents a unique combination of complexities that have potential social, civil, administrative and criminal consequences. Public interest and scrutiny is acute; employee morale rests in tenuous balance, and legal issues compound. Proper resolution requires the trust and confidence of all concerned that the investigation will be conducted impartially, thoroughly and openly; without undue or unlawful infringement on the rights and privacy of those involved. The affected agencies recognize their responsibilities to meet those demands, which can be accomplished only through effective management of the investigation. This requires an approach that is:

Well coordinated, to eliminate confusion;

Knowledgeable and skillful, to ensure thoroughness;

Defined, so that those involved and the public correctly interpret the investigative process;

Informative, without compromise of the investigation or individual's rights, in order to restrict speculation and rumor by those who have an interest in the investigation.

This Plan has been adopted by the Jackson County Deadly Force Planning Authority, duly constituted pursuant to SB 111, Chapter 842, Oregon Laws, 2007. [On June 22, 2018 it was reviewed by the current planning authority with a few adjustments. The Plan was presented to the Public Safety Coordinating Council on June 26, 2018.](#) As such, it sets out, among other things, the manner in which incidents which involve the use of deadly physical force by law enforcement personnel are to be investigated. It is anticipated that each incident will involve unique circumstances, and flexibility must be allowed for minor modifications. This protocol is not intended to increase the civil or criminal liability of member agencies or their employees, and it shall not be construed as creating any mandatory obligations to, or on behalf of, third parties.

## SECTION 1: ADMINISTRATION

- A. In the event that a member of the Planning Authority is unable to continue to serve, a replacement shall be appointed as provided in Section 2(1) of Senate Bill 111, Chapter 842, Oregon Laws, 2007.
- B. There shall be six voting members of the Planning Authority. The approval of the Plan, or revisions thereof, shall be by majority vote.
- C. The presence of 2/3 of the voting members shall be required in order to hold any vote.
- D. The final Plan shall be incorporated into the Jackson County Cooperative Policing Manual.

## SECTION 2: APPLICABILITY OF THE PLAN

### A. Invocation of this Plan

#### 1. Automatic and Immediate

- a) This Plan shall be applicable as set forth herein, to any use of deadly physical force by a law enforcement officer, acting in the course of his/her official duties, occurring within Jackson County.
- b) Investigation of these matters must be performed under two separate investigative formats: (1) the criminal investigation; and (2) the internal administrative investigation.

#### 2. Optional

- a) This Plan may be invoked upon the occurrence of any sensitive or critical event involving a law enforcement officer which may have criminal liability attached. Examples include:
  - (i) A fatality which did not involve the use of deadly physical force by an officer.
  - (ii) An officer-involved motor vehicle incident.
  - (iii) Any death of a person while in law enforcement custody.

- (iv) Anytime when requested by an employer agency.

### SECTION 3: DEFINITIONS

#### A. Law Enforcement Officer or Officer

1. Full-time, part-time and reserve sworn police officers, whether on duty or off duty and when acting in the course of his/her official duties in a law enforcement capacity.
2. Full-time or part-time non-sworn employees who are on duty at the time of an incident.
3. Volunteers who are on duty or are working under the direct control and supervision of a law enforcement officer.
4. Sworn parole and probation officers employed by Jackson County Community Justice, whether on duty or off duty and when acting in the course of his/her official duties.

#### B. Involved Officer(s)

1. The person who's official conduct, or official order, was the cause in fact of the death of a person. "Involved Officer" also means an officer whose conduct was not the cause in fact of the death, but who was involved in the incident before or during the use of deadly physical force, and this involvement was reasonably likely to expose the officer to a heightened level of stress or trauma.
2. This definition also applies to a situation in which no death occurs, but where the officer used deadly physical force.

**Commented [D1]:** Based on the definition, it does appear that there can be more than one "Involved Officer" per incident. A parenthetical (s) signifies this possibility. For example, in Section 5.A.3.a.ii.a, where it states: "Determine the identity of the person(s)..." this does indicate there can be more than one. Or, perhaps a statement noting that there can be more than one "Involved Officer" at an incident would be more clear.

#### C. Employer Agency

The agency by which the involved officer is employed or with which the person is affiliated.

#### D. Agency of Primary Responsibility

The agency within whose geographical jurisdiction the incident occurs. When an incident crosses jurisdiction boundaries, or occurs in the unincorporated areas of Jackson County, the agency of primary responsibility shall be jointly decided by the supervisors of the involved agencies.

E. Deadly Physical Force

Means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.

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F. Serious Physical Injury

Means 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.

G. Criminal Investigators

Those investigators assigned by the agency of primary responsibility, the employer agency, and/or the Major Assault/Death Investigation Unit, to conduct the criminal investigation of the incident.

H. Administrative Investigators

Those investigators assigned by the employer agency to conduct the internal administrative investigation of the incident.

I. Major Assault/Death Investigation Unit or MA/DIU

The Jackson County interagency team that investigates serious assault and murder cases and cases involving the use of deadly physical force by a law enforcement officer.

J. Case Agent

The detective assigned to lead the criminal investigation, issue assignments to other investigators, and gather reports for submission to the District Attorney's office. The case agent should not be from the employer agency.

K. Companion Officer

An uninvolved officer either assigned by the involved officer's agency or requested by the involved officer.

L. Plan

Means the final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement officers, and approved by the Attorney General. Any approved revisions shall become a part of the Plan.

## SECTION 4: IMMEDIATE AFTERMATH OF A DEADLY FORCE INCIDENT

### A. Scene Procedure

1. Emergency life saving measures and protection of the public have first priority.
2. As soon as possible after the use of deadly physical force, the officer shall immediately notify his or her agency of the use of deadly physical force. The employer agency shall ensure that a MA/DIU call-out has been initiated, as described in Section 5.B.
3. If an injured person is transported to a hospital, an officer should accompany that person in the same vehicle in order to:
  - a) Locate, preserve, safeguard and maintain the chain of custody of physical evidence.
  - b) Obtain a dying declaration, excited utterance or any other statement made by the injured person.
  - c) Maintain custody of the person if that individual has been arrested.
  - d) Provide information to medical personnel about the incident as it relates to treatment.
  - e) Identify relevant people, including ambulance and medical personnel, and obtain from them information that is relevant to the investigation.
  - f) Be available for contacts with the injured person's family, if appropriate.
4. The scene must be secured as soon as possible and a sufficient perimeter established to safeguard evidence. Access to the scene should be limited to those officials who must enter for investigative purposes. A written log should be established to identify all persons entering and leaving the crime scene.
5. Responding officers in shooting incidents should ensure that involved officers maintain their weapons in place, in the same condition as they were at the conclusion of the incident, until surrendered to the evidence officer.

6. A member of the Major Assault/Death Investigation Unit should be designated as evidence officer to ensure that all physical evidence is identified and collected in a legally appropriate manner, providing for an adequate chain of custody.

B. Transporting Involved Officers

1. Officers who were present at the scene at the time of the incident, whether as involved officers or witnesses, will be relieved of their duties at the scene as promptly as possible and shall be taken to their own police station, unless other suitable arrangements are made for them.
2. Prior to transport, the officer(s) should be asked to provide information regarding the circumstances as necessary to protect persons and property, preserve any evidence, and to furnish a framework for the investigation.

C. Assignment of Companion Officer

1. A companion officer shall be assigned by the employer agency to each involved officer, if practicable. The companion officer shall remain with the involved officer until the officer can be interviewed.
2. The companion officer is present to provide for the involved officer's privacy, to be certain that his/her needs are accommodated, and to ensure the integrity of the involved officer's later statements to investigators.
3. The companion officer should ensure the involved officer maintain his/her weapon in place, in the same condition as it was at the conclusion of the incident, until an ammunition count is conducted by an assigned MADIU investigator, and in appropriate circumstances surrendered to the MADIU investigator.
4. The companion officer should encourage the involved officer not to discuss the incident until the investigative interview. However, this is not intended to in any way prohibit the involved officer from speaking to family members.
5. The involved officer may also wish to speak to attorneys, union representatives, psychotherapists or other similar professionals.
6. After the involved officer is released from the scene by the officer in charge, the companion officer should remove the involved officer from the scene as soon as possible.

- D. For at least 72 hours immediately following an incident in which the use of deadly physical force by a law enforcement officer resulted in the death 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 has to use deadly physical force.

## SECTION 5: THE CRIMINAL INVESTIGATION

### A. Investigation Team Composition and Objective

1. The investigative team will be composed of criminal investigators from the Major Assault/Death Investigation Unit. The participating agencies share responsibility for the integrity of the investigation; however, the agency of primary responsibility has the ultimate authority to decide any irreconcilable investigative issues.
2. The criminal investigation has priority over the administrative investigation and it begins immediately after an incident has occurred.
3. The goal of the criminal investigation is to develop all available relevant information about the incident in such a manner as to minimize further trauma to the involved officer. This information will be used in two ways:
  - a) To determine the PRESENCE OR ABSENCE of criminal culpability on the part of all those involved in the incident. Specifically:
    - (i) To determine whether the conduct involved is prohibited or authorized by criminal statutes.
    - (ii) If criminal conduct does exist:
      - (a) Determine the identity of the person(s) responsible for that conduct;
      - (b) Determine the type and degree of the crime(s);
      - (c) Determine the existence of any factual or legal defenses to the crime; and
      - (d) Determine the presence or absence of any factors which would mitigate or aggravate punishment for the crime.
  - b) To incidentally provide factual information to the employer agency's management for its internal use. While the criminal investigators do not direct their investigative attention to administrative concerns, it is recognized that the criminal investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

4. The criminal investigation is performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation which is free of conflicts of interest.

B. Call-out procedure

Upon identifying an occurrence as one involving the use of deadly physical force by an officer, the supervisor of the agency of primary responsibility shall make the following notifications as promptly as possible:

1. When the agency of primary responsibility is the Jackson County Sheriff's Office, the Oregon State Police, the Medford Police Department, Ashland Police Department, Central Point Police Department or Eagle Point Police Department, the supervisor shall determine the number of detectives needed from the Major Assault/Death Investigation Unit. That supervisor will cause MA/DIU detectives to be contacted.
2. When the agency of primary responsibility is not one of those listed above, the on-scene supervisor of the agency of primary responsibility shall contact the Jackson County Sheriff's Office or the Oregon State Police and speak directly to a supervisor regarding the call-out of the Major Assault/Death Investigation Unit and will cause the supervisor of those detectives to be contacted. If a supervisor from the Oregon State Police or the Jackson County Sheriff's Office is unavailable, the on-scene supervisor shall leave a telephone number and wait for a return call, or take other appropriate action.
3. A case agent from the Major Assault/Death Investigation Unit shall be appointed by a supervisor of the agency of primary responsibility when the incident occurs within the jurisdiction of the Jackson County Sheriff's Office, the Oregon State Police, the Medford Police Department, Ashland Police Department, Central Point Police Department or Eagle Point Police Department. In other jurisdictions, the case agent shall be selected by agreement of the unit members. The case agent should not be from the employer agency.
4. As part of the Major Assault/Death Investigation Unit call-out, the following additional notifications shall be made:
  - a) The District Attorney's Office  

Notification shall be made to the District Attorney first, and if unavailable, the Chief Deputy. If neither is available, notification should be made to a senior member of the District Attorney's staff.
  - b) The medical examiner in the event of a death.

- c) The forensic laboratory division of the Oregon State Police, when this is determined necessary by the case agent.

C. Interviewing involved officers

1. Interviewees will be considered witnesses unless circumstances dictate otherwise.
2. Prior to conducting the interview, the interviewer shall be briefed by the case agent and, if possible, view the scene.
3. The interview shall be conducted by detectives assigned to the Major Assault/Death Investigation Unit. Each interview shall be conducted by two detectives, at least one of whom shall be from an agency other than the employer agency.
4. Interviews will be conducted separately, and in a comfortable setting. Interviewers must remain aware of the perceptual distortions associated with traumatic incidents, and how these distortions may vary between officers. In-depth interviews may have to occur some time after the incident, depending upon the officer's condition.
5. Interviews should be recorded by stenographer, audio ~~and/or~~ or video-visually recorded.
6. If the interview is custodial in nature, the officer shall be given Miranda warnings.

D. Autopsy

An autopsy shall be performed whenever a death results. A member of the investigative team shall attend the autopsy. A representative from the Oregon State Police Forensic Laboratory will attend the autopsy when appropriate, as determined by the investigative team.

SECTION 6: MEDIA RELEASES

- A. Initial media releases are the responsibility of the agency of primary responsibility, after consultation with the case agent and District Attorney. This responsibility will normally continue until the final police reports are submitted to the District Attorney for review.

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- B. The District Attorney will assume responsibility for media releases once the final police reports are submitted to the District Attorney's Office for review. This will assist in minimizing the release of information that may jeopardize the investigation or subsequent prosecution.

## SECTION 7: ACCESS TO REPORTS AND EVIDENCE

- A. Materials created or collected as a result of the criminal investigation will be made available to the employer agency for purposes of the internal administrative investigation at the conclusion of the criminal investigation, unless otherwise directed by the District Attorney. Materials may also be released to the employer agency while the criminal investigation is pending with prior approval of the District Attorney.

Materials may be made available to other agencies or individuals, including the involved officer and the officer's attorney, once the District Attorney had determined that no criminal charges will be brought against any individual as a result of the incident. If any criminal charges are filed, no materials will be released while charges are pending, except to the employer agency, without the approval of the District Attorney.

- B. The materials may include:

1. Reports
2. Access to physical evidence
3. Photographs and diagrams
4. Audio and visual recordings

- C. At the conclusion of the criminal investigation, all reports will be submitted to the District Attorney by the case agent for review.

- D. When the District Attorney's Office concludes that the physical evidence collected by the criminal investigators is no longer needed for criminal law purposes, the employer agency shall be notified of that decision so it can assume responsibility for preservation of such evidence.

## SECTION 8: DISTRICT ATTORNEY

- A. When an incident involving the use of deadly physical force by an officer occurs, the District Attorney's Office should be notified by the employer agency, agency of primary responsibility or MA/DIU case agent.
- B. The District Attorney's Office has the following roles in the incident investigation:
1. Participate co-equally with the investigative team performing the criminal investigation. It should be noted that the District Attorney has ultimate authority for the prosecution of criminal cases, and specific shared responsibility with the medical examiner in death investigations.
  2. Assist and advise the investigative team on various criminal law issues which may arise, such as Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses, etc.
  3. Upon completion of the criminal investigation, analyze the facts of the incident as well as the relevant law to determine if criminal laws were violated.
    - a) The District Attorney will normally present these matters to the Grand Jury for determination of criminal liability on the part of the involved officer. However, not all cases covered by this protocol may rise to a level that merits a Grand Jury determination. The District Attorney has the sole statutory and constitutional duty to make the decision whether to present the matter to a Grand Jury.
    - b) The District Attorney will decide on the issue of criminal liability or present the matter to a Grand Jury as soon as practicable, but not before the District Attorney has determined that sufficient information is available to competently make the decision.
    - c) When the District Attorney has made a final decision concerning criminal liability, or has presented the case to the Grand Jury, the District Attorney shall promptly communicate the result to the agency of primary responsibility, the employer agency, the involved officer's representative and the public.

## SECTION 9: INTERNAL ADMINISTRATIVE INVESTIGATION

### 1. Investigation Priority

While both the criminal investigation and the internal administrative investigation are important and should be pursued, it is recommended that the criminal investigation have investigative priority and be completed before commencing the internal administrative investigation. It is intended that this prioritization will preclude competition between the two formats for access to witnesses, physical evidence and the involved parties. Additionally, it will prevent the criminal

investigation from being compromised by an untimely exercise of the employer agency's administrative rights.

## 2. Information Excluded From the Criminal Investigation

Interview statements, physical evidence, toxicology test results, and investigative leads that are obtained by internal administrative investigators by ordering police agency employees to cooperate, shall not be revealed to criminal investigators.

## SECTION 10: DEBRIEFING / MENTAL HEALTH COUNSELING

- A. The use of deadly physical force by an officer has the potential to create strong emotional reactions, which may interfere with an officer's ability to function effectively. These reactions may be manifested immediately, or over time. Further, these reactions may occur not only in an officer directly involved in the incident, but also in other officers within the agency.
- B. The requirements of this section provide a minimum framework, and are not intended to take the place of agency policy. Agencies are encouraged to develop formal procedures to deal with an officer's stress response following a use of deadly force incident. Such policies should include a procedure that is implemented from the time of the incident and continues as long as necessary.
  - 1. If the incident is of such a magnitude that agency-wide morale is implicated, the agency shall take such steps as it deems necessary to ensure professional police services are provided, and to develop strategies to restore morale.
  - 2. Each agency shall provide for a process for any officer to participate in a facilitated critical stress incident debriefing.
  - 3. If available, agencies should encourage officers to take advantage of employee assistance programs and, if needed, agencies should request assistance from other agencies that may have in place formal programs for dealing with critical incidents.
- C. In the six months following a use of deadly physical force incident that results in a death, the agency shall offer each involved officer a minimum of two opportunities for mental health counseling. The officer shall be required to attend at least one session of mental health counseling.
  - 1. At agency expense, the involved officer(s) shall be scheduled for an appointment with a licensed mental health counselor for a counseling session, with a follow-up session scheduled at a date determined by the mental health professional.

2. The counseling sessions are not to be considered fitness for duty evaluations, and are to be considered privileged between the officer and counselor.

## SECTION 11: AGENCY USE OF FORCE PLANS, REPORTING, TRAINING AND OUTREACH

- A. Every law enforcement agency must adopt a policy dealing with the use of deadly physical force by its officers. At a minimum, such policies must include guidelines for the use of deadly physical force.
- B. Upon the conclusion of the criminal investigation, the announcement by the District Attorney pursuant to Section 8.B.3.c. of this Plan, and the debriefing, the agency shall complete the Attorney General's report regarding the use of force, and submit the report to the Attorney General.
- C. The Jackson County Deadly Force Planning Authority shall take steps to engage the Jackson County community in a discussion regarding the purpose of the Plan, and the elements contained therein. Such steps may include, but are not limited to, general public release of the draft, discussion with the media, providing the draft to agency employees, union representatives, elected officials, and members of relevant community groups.
- D. Law enforcement agencies within Jackson County are responsible for training their officers on the specifics of their policies regarding the use of deadly physical force. That training should also include information about this Plan. Training may include, but is not limited to, firearms training and shooting scenarios, seminars, briefings, written materials, promulgation of this Plan along with the Patrol Supervisor's and Companion Officer's checklist, wallet cards and other written materials. Training should include suggestions for dealing with challenges that officers may encounter when responding to situations involving persons who appear to be suicidal, or who may have other mental health issues. Periodically, such training should be fashioned to include attorneys employed by state and local governments within the county.
- E. Public outreach regarding law enforcement use of deadly physical force is also an important component of effective and well-received law enforcement policies and of this Plan. Public outreach may be provided in numerous ways, including seminars, citizen's police academies, career day sessions at local schools, media releases, and the promulgation of written materials such as flyers. Entities which should take the lead in such outreach include: Jackson County law enforcement agencies, the Law Enforcement Agencies Heads group, MA/DIU, the Jackson County Public Safety Coordinating Counsel and the Deadly Physical Force Planning Authority.

## SECTION 12: FISCAL IMPACT

Jackson County law enforcement agencies have incurred no reimbursable out of pocket costs associated with the development of this Plan. It is estimated that there will not be ongoing reimbursable costs associated with the implementation of the Plan. However, if any law enforcement agency covered by the Plan does sustain such costs in the future, that agency shall submit to the Department of Justice, in the fiscal year in which said costs are accrued, a report outlining the fiscal impact of each element of the Plan as described in Section 4 and Sections (a) to (e) of Section 2(4) of Senate Bill 111, Chapter 842, Oregon Laws, 2007.

## SECTION 13: PLAN REVISION

If a revision of the Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. Proposed revisions should be discussed with the Law Enforcement Agency Heads group, as well as the MA/DIU. If the Planning Authority adopts a revision, such revision shall be submitted to the Attorney General and included in the Jackson County Cooperative Policing Manual.

**POLICE EMPLOYEE-INVOLVED FATAL OR SERIOUS INJURY**  
**Patrol Supervisor's Checklist**

1. Emergency life saving measures and protection of the public have first priority.
2. Request additional patrol officers as necessary.
3. If an injured person is transported to a hospital, an officer should accompany that person in the same vehicle in order to:
  - a) Locate, preserve, safeguard and maintain the chain of custody of physical evidence.
  - b) Obtain a dying declaration, excited utterance, or any other statement made by the injured person.
  - c) Maintain custody of the person if that individual has been arrested.
  - d) Provide information to medical personnel about the incident as it relates to treatment.
  - e) Identify relevant people, including ambulance and medical personnel, and obtain from them information that is relevant to the investigation.
  - f) Be available for contact with the injured person's family, if appropriate.
4. When the agency of primary responsibility is the Jackson County Sheriff's Office, the Oregon State Police, the Medford Police Department, Ashland Police Department, Central Point Police Department or Eagle Point Police Department, the supervisor shall determine the number of detectives needed from the Major Assault/Death Investigation Unit and will cause the supervisor of those detectives to be contacted.
5. When the agency of primary responsibility is not one of those listed above, the onscene supervisor of the agency of primary responsibility shall contact the Jackson County Sheriff's Office or the Oregon State Police and speak directly to a supervisor regarding the call-out of the Major Assault/Death Investigation Unit. That supervisor will cause MA/DIU detectives to be contacted. If a supervisor from the Oregon State Police or the Jackson County Sheriff's Office is unavailable, the on-scene supervisor shall leave a telephone number and wait for a call, or take other appropriate action.
6. Determine what responding/scene officers have learned and what they've done.

7. LIMIT QUESTIONS of involved officers and other witnesses to those necessary for public safety and scene management.
8. Arrange for radio broadcasts on outstanding suspect, vehicle, witnesses, etc.
9. Protect sensitive investigative information, including names of involved officers. Use caution on radio broadcasts. Use secure phone when possible.
10. Locate, identify, and sequester civilian witnesses for detectives' interviews.
11. The scene must be secured as soon as possible and a sufficient perimeter established to safeguard evidence. Access to the scene should be limited to those officials who must enter for an investigative purpose. A written log should be established to identify all persons entering and leaving the crime scene.
12. Responding officers in shooting incidents should ensure that involved officers maintain their weapons in place, in the same condition as they were at the conclusion of the incident, until surrendered to the evidence officer.
13. Collect your information and thoughts to brief investigators.

## ROLE OF THE COMPANION OFFICER

1. A companion officer shall be assigned by the employer agency to each involved officer if practicable. The companion officer shall remain with the involved officer until the officer can be interviewed.
2. The companion officer is present to provide for the involved officer's privacy, to be certain that his/her needs are accommodated, and to insure the integrity of the involved officer's later statements to investigators.
3. The companion officer should ensure the involved officer maintain his/her weapon in place, in the same condition as it was at the conclusion of the incident, until an ammunition count is conducted by an assigned MADIU investigator, and in appropriate circumstances surrendered to the MADIU investigator.
4. The companion officer should encourage the involved officer not to discuss the incident until the investigative interview. However, this is not intended to in any way prohibit the involved officer from speaking to family members.
5. The involved officer may also wish to speak to attorneys, union representatives, psychotherapists or other similar professionals.
6. After the involved officer is released from the scene by the officer in charge, the companion officer should remove the involved officer from the scene as soon as possible.

# Jacksonville City Council Agenda Item Summary



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## **RESOLUTION No. R2020-001: A Resolution Accepting the Appointments and Terms for the Committees and Commissions as Appointed by the Mayor and/or City Council**

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Date: January 30, 2020  
From: Angela Watson, City Recorder

City Council Meeting: February 4, 2020  
Agenda Item: 5c

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### **Synopsis:**

Resolution No. R2020-001 comes before Council for approval to accept the appointments and terms for the Committees and Commissions appointed by the Mayor and/or City Council on January 8, 2020.

### **Fiscal Impact:**

N/A

### **Recommendations:**

Approval of Resolution No. R2020-001

### **Exhibits:**

Exhibit A – Resolution No. R2020-001

## RESOLUTION NO. R2020-001

**A RESOLUTION ACCEPTING THE APPOINTMENTS AND TERMS FOR THE COMMITTEES AND COMMISSIONS AS APPOINTED BY THE MAYOR AND/OR THE CITY COUNCIL;**

**WHEREAS**, the City of Jacksonville has the following openings on the listed committees and commissions:

**WHEREAS**, any vacancies will be posted throughout the City as needed, with “Open Until Filled” for the application listed on the posting;

**AND WHEREAS**, the additional committee and commission appointees are currently serving on the stated committee and some are requesting reappointment;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Jacksonville, that the following people will be appointed as stated below:

As approved by the City Council:

**Planning Commission:**

Roger Thom – Term January 2017 - December 2020  
Jim Whitlock – Term January 2017 - December 2020  
Michael Card– Term January 2019 - December 2022  
Mark Thomas – Term January 2020 - December 2023  
Brad Bennington – Term January 2020 – December 2022

**HARC:**

Trish Murdoch – Term January 2018 - December 2021  
Sally Melgard – Term January 2019 - December 2021  
Penni Viets – Term January 2020 - December 2023  
Jack Akin – Term January 2020 – December 2023  
Vacancy – PC Liaison

**Budget Committee:**

Mayor and City Councilors  
Larry Smith – Term January 2018 – December 2020  
Brad Bennington – Term January 2019 – December 2020  
Omer Kem – Term January 2018 – December 2020  
Eric Rogers – Term January 2019 – December 2021  
Lori Buerk – Term November 2019 – December 2021  
Mark Thomas – Term January 2020 – December 2022  
Vacancy – Term January 2020 – December 2022

City Council  
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**Transient Lodging:**

Whit Parker – Term January 2018- December 2021  
Jerry Evans – Term January 2018 - December 2021  
Mike Thornton – Term January 2019 - December 2022  
Robert Roos – Term January 2019 - December 2022  
Duane Sturm – Term January 2020 - December 2023

**Committee for Citizen Involvement**

Andrea Thompson – Term February 2018 – December 2021  
Jason Reilly – Term February 2018 – December 2021  
Linda Graham – Term February 2018 – December 2021  
Whitman Parker – Term February 2018 – December 2021  
Jason Williams – Term January 2020 – December 2023  
Tom Pratum – Term January 2020 – December 2023  
Vacancy – Term January 2020 – December 2023

As appointed by the Mayor:

**Parking Committee:**

Inactive as of January 8, 2019

**Parks and Visitors Services Committee:**

Kristin Sullivan – Term January 2019 – December 2022  
Gary Sprague – Term January 2018 – December 2021  
Kristin Schwartz – Term January 2019 – December 2022  
Omer Kem – Term January 2019 – December 2022  
Jessica Prins – Term January 2018 – December 2021

**Public Safety Committee:**

Inactive as of January 8, 2019

**Land and Building Committee:**

Inactive as of January 8, 2019

Signed by me in open session in authentication of its passage this 4th day of February.

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Paul Becker, Mayor

ATTEST:

\_\_\_\_\_  
Angela Watson, City Recorder

# Jacksonville City Council Agenda Item Summary



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## Plan of Action Relating to FY 2018-19 Audit

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Date: January 30, 2020  
From: Stacey Bray, Finance Director

City Council Meeting: February 4, 2020  
Agenda Item: 5d

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### **Synopsis:**

As discussed during the Audit Presentation by Mark Damon, KDP, LLP, on January 21, 2020, there was a minor deficiency related to budget violations for the debt issuance costs for the Urban Renewal Loan from US Bank. The debt issuance costs exceeded the budget appropriations by \$23,300. Mark Damon also discussed that the state requires a formal action plan to remediate the deficiency, therefore the formal action plan comes to Council for approval.

### **Fiscal Impact:**

N/A

### **Recommendations:**

Staff recommends approval of the Plan of Action relating to the FY 2018-19 Audit.

### **Exhibits:**

Exhibit A – Plan of Action for the City of Jacksonville and the City of Jacksonville Urban Renewal Agency



## CITY OF JACKSONVILLE



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February 4, 2020

Office of the Secretary of State  
Audits Division  
255 Capitol St. NE, Suite #500  
Salem, OR 97310

### **Plan of Action for City of Jacksonville and the City of Jacksonville Urban Renewal Agency**

City of Jacksonville (City) respectfully submits the following corrective action plan in response to deficiencies reported in our audit of fiscal year ended June 30, 2019. The audit was completed by the independent auditing firm KDP Certified Public Accountants, LLP in Medford, Oregon.

The deficiencies are discussed below with the Action Plan listed for each.

#### **1. Budget Violations:**

The City and the City's Urban Renewal Agency (the Agency) violated certain provisions of Oregon Budget Law when it exceeded its spending appropriation in certain funds. The primary overage was debt issue costs associated with the issuance of its 2019 obligations.

**Corrective Action:** The City will monitor budget-to-actual reporting in monthly board meetings. The City/Agency will adopt budget resolutions to make transfers, increase appropriations, or adopt any supplemental budgets necessary to ensure compliance with local budget law requirements.

If there are questions regarding this plan, please call Stacey Bray at 541-899-1231, ext. 313.

Sincerely yours,

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Stacey Bray  
Assistant Administrator/Finance Director

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Paul Becker  
Mayor

City Council  
February 4, 2020  
Agenda Item 5d  
Exhibit A