


**Officer Involved Shootings:  
Legal Defense Information & Strategies**

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**Agenda**

- CIS overview
  - Public safety/risk management program
  - Legal defense counsel
- Legal defense process
- Helpful tips
- Retain your own legal counsel?
- Questions




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**CIS Overview**



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## CIS Overview

- History of CIS
- CIS lines of coverage
- CIS members
- Office locations




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## Public Safety/Risk Management Program

- Overview:
  - Best practice and risk management plans
  - Claim reviews
  - Grant management
  - Critical incident management




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### Legal Defense Counsel



- Steve Kraemer and Leslie Edenhofer
- Assist in litigation process
- Provide training and legal updates
- CIS Annual Conference presenters



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### Legal Defense Process



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### The Civil Defense Process - State

- State of Oregon
  - Plaintiff has 180 days to file tort notice
  - Tort cap limits in Oregon
  - Types of lawsuits (claims) that will be heard in state court
  - Pros and cons for having a case filed in state court



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## The Civil Defense Process – Federal

- Federal Court
  - Plaintiff has two-years to file complaint
  - No tort cap limits
  - Types of claims heard in federal court
    - ❑ 42 U.S.C. § 1983 (civil rights)
    - ❑ Plaintiff entitled to attorney fees if prevail
  - Pros and cons for having a case heard in Federal Court



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## Civil Defense Process - Event To Trial

- Event
- Notice of tort claim
- Pleading by plaintiff (complaint)
- Response to complaint
  - Answer
  - Motion to Dismiss



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## Civil Defense Process – Event To Trial, Cont.

- Discovery
  - Interrogatories, Requests for Production
- Depositions
- Motion hearings
- Pre-trial conference
- Trial
- Possible appeal



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### Immunities

- Absolute Immunity
- Qualified Immunity



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### Helpful Tips



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### Helpful Tips

- What does this all mean?
- Litigation hold (emails, texts, social media, etc.)
- Communications (privileged vs. non-privileged)
- Identify issues early on
- ANY questions – call assigned attorneys



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## Hiring your own legal counsel in OIS?



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## Hiring Your Own Legal Counsel In OIS?

Do you need to hire an attorney when involved in an Officer Involved Shooting (OIS)? Most often the answer is NO.

- Criminal charges
- Working outside the course and scope
- You choose to hire your own legal counsel
- Any questions on this issue, call CIS' property/liability claims manager Jim McWilliams at 503-763-3886



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Thank You!



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## Contact Information

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