



## AGENDA



### Police Advisory Board

<b>Date &amp; Time:</b>	Thursday - August 20, 2020 7:00pm
<b>Location:</b>	Pursuant to Executive Order 20-16, this meeting will be conducted electronically and will be live streamed at <a href="https://www.youtube.com/user/CityofSherwood">https://www.youtube.com/user/CityofSherwood</a>

### Attendees

<b>P.A.B. Members:</b>	<b>Council Liaison:</b>
Ralph Lohman - Chair	Councilor Kim Young
Diane Foster - Vice Chair	<b>City Staff:</b>
Rich Miller	Jeff Groth - Police Chief
Bob Silverforb	
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	
Vacant	

### Agenda

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of Minutes (Chair)
4. Board Member Announcements (Chair)
5. Business (Chair)
  - a. Board Recruitment Update
  - b. Review of Municipal Code 2.36 Personnel Systems, regarding policing expectations
  - c. Police Policy Review-Chapters 1 & 2
6. Councilor News
7. Staff Report(s)
  - a. Police Officer Recruitment Update
8. Citizen Comment
9. *Pursuant to Executive Order 20-16, citizen comments must be submitted in writing to [hassa@Sherwoodoregon.gov](mailto:hassa@Sherwoodoregon.gov). To be included in the record for this meeting, the email must clearly state that it is intended as a citizen comment for this meeting and must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.*
10. Adjourn (Chair)



# Meeting Minutes



## Police Advisory Board

<b>Date &amp; Time:</b>	August 20, 2020 - 7:00 pm
<b>Location:</b>	Meeting held virtually through Teams.

<b>P.A.B. Members:</b>	<b>Council Liaison:</b>
Ralph Lohman - Chair	Councilor Kim Young
Diane Foster - Vice Chair	<b>City Staff:</b>
Rich Miller	Jeff Groth – Police Chief
Bob Silverforb	Angie Hass – Executive Assistant
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	
VACANT	

*This meeting was live streamed on the City of Sherwood's YouTube channel.*

*The video recording is available for viewing:*

<https://www.youtube.com/watch?v=P6tmlr70P34&t=116s>

### 1. Call to Order

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

### 2. Roll Call

**Board Members Present:** Chair Ralph Lohman, Vice Chair Diane Foster, Rich Miller, Bob Silverforb, Mike Smith, Megan Thornton and Laurie Zwingli

**Board Members Absent:** Chris West

**Staff & City Council Liaison Present:** Chief Jeff Groth, Councilor Kim Young and Executive Assistant Angie Hass

### 3. Approval of Minutes

**July 16, 2020 Meeting Minutes**

Mr. Silverforb moved that the July meeting minutes be approved as written. Mr. Miller mentioned that his name needed to be added to the Roll Call / Board Members Present section. Angie said she will make a note to add. Mr. Smith seconded the motion to approve. All Board Members voted in favor to approve with the one correction.

#### **4. Board Member Announcements**

Ms. Zwingli wanted to point out and clarify, for the record, that the Sherwood Police Foundation's (SPF) bumper stickers and signs say "I ♥ My Sherwood Police" (she held up examples for all to see). These items have been handed out to citizens to show support for their local PD. That is the extent of what they do. She shared this information in response to citizen comments that will be shared later in the meeting.

Ms. Thornton thanked Ms. Zwingli for showing the SPF items and stated that she would like to arrange to get a sign.

Ms. Thornton put together a statement in regards to the Back the Blue Rally that had occurred over the past weekend. She had shared this statement with the Chief earlier in the week. She has since modified her original statement and proceeded to read aloud to the Board Members. She said that she would provide a copy to Angie to add to the meeting minutes. ***Please see Exhibit "A".***

Mr. Smith was glad that Ms. Zwingli had shared the SPF signs with the group. He has been seeing them around town and loves them. He doesn't know where to get one for himself, however.

Mr. Smith shared that, as many of the Board Members may remember, he had the opportunity to go to Washington, DC as a guest (with a friend of his) earlier that year, to attend some of the events of the FBI Citizens Academy. He was excited to announce that he had just been accepted to go through the six-week Academy, beginning in September. He said that he will let the group know how that transpires. The Board Members offered their congratulations.

Chair Lohman suggested that Mr. Smith contact Ms. Zwingli to learn how to obtain the SPF bumper stickers and signs.

Mr. Silverforb spoke of an article put out by the New York Times that the Chief had posted on social media (SPD Twitter page). He stated that it was a terrific article written by Chief Lovell. He hoped that everyone had read it and if they hadn't, he encouraged them to do so.

Mr. Silverforb shared that he watches a news show on KGW called "The Story with Dan Haggerty". That week (August 17<sup>th</sup>), they had an interview with Sergeant Maxey with the PPB. Sergeant Maxey is the first person allowed to talk to the news from the Police Bureau. It is an excellent

interview and is available for viewing on the KGW YouTube channel. If anyone would like to hear, from a police perspective, of what they are putting up with every night, he recommended that they take a look at it.

Mr. Miller stated that he very much appreciated the letters that had been sent in showing support of the Sherwood PD and that he especially appreciated Mr. Goodding's letter. He loved the history of the Thin Blue Line. He wished more people would read things like that, because it would put things in perspective for people. Right now, we're in a society that just reacts. We need to do a little more reflection. Mr. Goodding's letter was a wonderful thing to help do that. Ms. Thornton asked the Chief if the PD could put Mr. Goodding's letter on Facebook. The Chief replied that the letter will be read later in the meeting during the Citizen Comments portion, along with the other letters submitted. Mr. Silverforb felt that the letter should be submitted to the Sherwood Gazette. The Chief replied that Mr. Goodding had already been in touch with the Sherwood Gazette, as the editor was interested in that topic. There very well may be an article about that coming out soon.

Vice Chair Foster offered her congratulations to the two new Sherwood PD Officers who had just graduated from the Police Academy. The Chief added, that because of COVID, there was very little fanfare about the graduation and, unfortunately, there was no graduation ceremony. Consequently, they and others, are really missing out on a big part of that success story. One of the Sherwood PD Officers, Dean Borges, was selected as the top student in physical fitness and did receive an award for that. The PD is very proud of that and certainly very proud of both of them. The Officers are now in field training. It has been a very, very unusual, outside of the box, training experience for them, which is unfortunate. They are doing good and he will pass along her congratulations.

Chair Lohman shared a couple of his reflections. He believed that he was the only one from the Police Advisory Board that attended the Back the Blue Rally that past Saturday. He liked being an observer and to see what was going on. As with any rally, there's no way that whoever puts it on can control who might or might not come into that setting. That was his point number one. As far as the Foundation and City pulling out, the only comments he heard about that was folks were sorry to have that happen. It was understood why that happened, but the people that he was around, said they were disappointed and sorry. Other than that, a couple of things happened with a couple young ladies and some of the Proud Boys. While the Proud Boys are a scary bunch, his experience was a peaceful one. It was extremely supportive of the Sherwood Police Department. There were a lot of waves and a few one finger waves, but that was about it. He was not able to stay for the entire event, but while he was there, for about an hour, it was a very peaceful experience for him.

## **5. Business (Chair)**

### **a. Board Recruitment Update**

The Chief shared that along with the one vacancy on the Police Advisory Board, there were several vacancies on the various Boards and Commissions. He was very pleased that the Police Advisory Board just got buried with applications. The other openings were extended to try and get more applications. However, the PAB's was not extended, as they had received 11 applications for the one position. Chair Lohman, Councilor Young and he interviewed all 11 people. There has been a unanimous recommendation made to the Mayor, who has approved that recommendation and it will now be moved ahead for City Council approval on September 1<sup>st</sup>. They should have a new face at the September meeting.

Chair Lohman followed up by saying that they had 11 great candidates. Hands down, any one of their names could have been put forward. Ms. Thornton inquired as to why they couldn't learn the person's name at that time. The Chief replied that it wasn't yet official.

- b. Review of Municipal Code 2.36 Personnel Systems, Regarding Policing Expectations**  
*Please see Exhibit "B"*. The Chief asked the group to reflect back to the Special Work Session they had with the City Council, where they discussed policing in Sherwood. He asked Councilor Young to confirm that was in June and she stated that was correct. The Chief stated that a lot of work had come out of that and continues from that and not the least of which was a desire by the Mayor and himself, as well as the rest of the City Council, to memorialize some of the things that are important to them about what they're doing right now and what they believe should be done forever with the Sherwood Police Department. He then referred the Board Members to a draft version (Exhibit "B") of what the new chapter 2.36 Personnel System in the Municipal Code is going to look like. The City Council would like the Police Advisory Board to review the document first and if they have any questions or changes, they can explain how things came to be. The Council is looking for the Board's recommendation to pass and put it into place.

The Chief then proceeded to run through the document and said that he would try to let the Board Members know what it used to say, but added that most of it was brand new. There are not a lot of changes to the existing language. As a result of the review process, it was suggested that the term "Rightful Policing" (section 2.36.050, B,4) be edited per the Chief's draft. Mr. Silverforb made a motion to approve the document with the one modification. Ms. Zwingli seconded the motion and all Board Members approved.

**c. Police Policy Review – Chapters 1 & 2**

The Chief reminded the Board Members that the Policy Manual is available on the City website. His hope and intent is that the Board Members will read over the policies scheduled for review ahead of time. He added that when he was considering which policies to review that evening, he felt that they had already covered the two really, immediately important ones, so he would like to start at the beginning. The chapters that they will be reviewing at this meeting are very administrative / procedural and there's not a whole lot of questions. He thought they wouldn't have any problems getting through chapters 1 and 2 that evening. *Please see Exhibit "C"*.

He proceeded to go through the policies, pausing to answer questions and provide explanations, when needed. Ms. Zwingli pointed out some grammatical corrections and the Chief asked her to please make notes and forward those on to him via e-mail.

An edit will need to be made to 107.3, changing “two” years to “one” year. In policy 200.1.1, the Chief mentioned that a couple changes will need to be made to some of the references listed. Ms. Zwingli pointed out that the wording in Policy 206.1 and 206.2 regarding the Emergency Operations Plan was a bit confusing. The Chief thanked her for pointing that out and that they will have to look into that one. It might be a typo and / or a terminology mistake, but they will review it further for clarification.

Chair Lohman asked the Chief a question, not part of the policy, but one that he was curious about. He wondered if someone who has a concealed handgun license gets pulled over, and the license plate is ran, will it show that person has a concealed handgun permit. The Chief replied that it would not show up by having the license plate ran. It would, however, when the Officer ran the person’s driver’s license number. The Chief stated that, per the handgun license course, the driver would tell the Officer of their permit prior to the Officer running their driver’s license.

Ms. Zwingli asked a question regarding policy 220.3.1, which Chief Groth had stated that the Sherwood PD does not have a program for at this time. She wondered what the benefit was for a retired officer to have a LEOSA concealed permit, as opposed to a regular concealed handgun permit. The Chief went on to explain that this would impact the Sherwood PD in the event that they decide to provide training to those folks. If they do provide them training, they would have to potentially provide them with an ID card that says they’re an honorary retired Police Officer, etc. His best guess was that only 50% of all police departments provide this service. He went on to explain how this poses an additional level of liability and program management that they don’t currently have staffing for.

## **6. Councilor News**

Councilor Young reported that the City Council made a statement at their meeting, last Tuesday night, in regards to the rally that occurred over the weekend. She proceeded to read aloud:

“Over the weekend, there was a rally in the City, which was promoted as an opportunity for citizens to peacefully exercise their first amendment rights in expressing support for Sherwood Police. No one was cited or arrested at this rally and no laws were broken. The City Council supports our Police Department and the excellent work they do for our community and supports the rights to freedom of speech. Just as importantly, the City Council does not condone or support any group, organization or individual from any side of the political spectrum that engage in hateful, threatening, criminal or violent behavior of any kind. Those behaviors have no place in this community and are contrary to the values of the City of Sherwood and the Sherwood Police Department.” ***End of Statement***

Councilor Young said that this statement was in response to the Citizen Comment that the City Council had received that night.

There will be a Work Session prior to their next meeting on September 1<sup>st</sup>. This will be on diversity, equity and inclusion and having that conversation as a Council and what, if anything, they could be or need to be doing, that's not already being done.

Also in September, they are looking at their first reading of annexing about 28 acres, two tax lots off of SW Tonquin Road, within the Tonquin Employment Concept Plan. This is kind of exciting, as one of the City Council's goals is economic development. If they can get more industrial, commercial out there in the Tonquin Employment Area, hopefully it will bring more jobs to the area, more living wage type jobs to that area.

Two small business programs were announced that day. She reminded the group that at the beginning of COVID, the City gave out about almost \$200,000.00 to small businesses to help them through COVID. It is a small amount, but by the time you spread it all out, it sounds like a lot of money. It helped businesses to pay their rent or help pay their employees, etc. There are two more programs. One is from Business Oregon, which is a small one, \$35,000.00. They also have some CARES Act Funding, which is about \$248,000.00. They have just opened their applications that day for Sherwood's small businesses.

At the next Council meeting, they will be seeing the Municipal Code that the Police Advisory Board had gone over that evening.

Ms. Thornton asked the Chief to provide clarification on the definition of "menacing" and wondered if it was against the law. The Chief stated that was a very good question and went on to explain that the definition of a word, per Webster's, is often not what the definition is per Oregon State Statute. Per Oregon State Statute, a person commits a crime of "menacing" if by word or conduct, the person intentionally attempts to place, or does place, another person in imminent serious physical injury, ORS 163190. The Chief stated that what that has been determined to mean, over the years, and how you prosecute somebody by that is that they are generally armed with some kind of a weapon that can cause serious physical injury, a gun or a knife, or something pretty ominous. From a police perspective, the most common incident of menacing is when someone points a gun at another person. He gave an example of a road rage scenario and people are exchanging gestures and someone pulls a gun and points it at a driver. That would be menacing. He shared that they've even had it go so deep into the weeds, in terms of judicial definition, that they then have to have the gun that is pointed and they have to examine it and test it to determine that it was actually capable of being fired. It can sometimes be a really strict, serious definition and it's far from someone saying that someone else was a menace by bullying or harassing them. Legally speaking, that is nowhere

near menacing. He also explained that harassment has to include physical contact. Ms. Thornton provided an example scenario to receive confirmation from the Chief for further clarification. He stated that she was correct.

Ms. Thornton thanked Councilor Young and the Council for putting out a statement and also thanked Ms. Zwingli on behalf of the SPF. She shared her concern that no one had actually denounced Proud Boys and they're the bullies in town. She asked, why not? She said that a City Councilor had sent her a message stating that it was really complicated. She asked if it could be uncomplicated, publicly. She wondered what was going on that they can't, as citizens, know what's going on for some reason. She felt that the truth should be put out there and then everyone can work together. As Councilor Young did not feel it would be right to speak on behalf of the City Council, the Chief said that he would be happy to reply.

The Chief replied that, frankly, it's bad policy. He went on to explain that if you're going to specifically name a problem, whatever that problem may be, then you need to name every problem, which then becomes its own problem. Because, now you've stirred the pot with someone who's going to land on the different side of the spectrum. Second of all, why wave a flag? Why make a public statement, calling somebody out, when in fact, those types of individuals from all different types of hate groups, radical extremist organizations are simply looking for the invitation. So, when you call them out, you have invited them to a challenge. The Chief said that, in several e-mails he had responded to that week, he told people that they just need to trust his wisdom on this. Sherwood does not need that kind of attention. It should be simple enough for everybody to know that this is not what Sherwood stands for. It's not what the Sherwood Police Department stands for or is about. Never has been, never will be and isn't now. The same applies to the City of Sherwood and the Sherwood Police Foundation. He said, that's really what it comes down to.

Councilor Young added that groups of all spectrums, on all sides (she wasn't going to name any groups), that's what they want. They want that pedestal, so why give it to them. She added that was her personal opinion.

The Chief said that it is often not an easy pill to swallow, but that after over 30 years, there are just certain things you learn. He reiterated that people just need to trust his wisdom on that and that is just not what Sherwood needs. Sherwood needs to focus on the best it can be, including the Police Department. They are going to have to put up with people's exercise of their rights and they will just have to make sure that they do it legally and they do it peacefully, and they will. They will not tolerate anything against the law, like riots. Ms. Thornton suggested that the PD and City Council keep reiterating that message. The Chief said that as her Police Chief, he has. Ms. Thornton thanked him.

The Chief reminded the group of the 45 minute Work Session where he talked about not only is that not who they are, but here's why and how that's not who they are. The PD, at the suggestion of their Officers, posted on Facebook, a copy of the letter that is given to each new Officer, along with



a statement from him. They got 65 affirmative responses from the Sherwood community that said, that's right - that's not who you are and thanked the PD. Councilor Young thanked Chief Groth and stated that she trusted that he was making the right decision.

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

### **a. Police Officer Recruitment Update**

The Chief reminded the Board that the City Council and Budget Committee had approved two positions, in year two of the three year Staffing Plan. They are currently actively recruiting those positions. They opened for Lateral Police Officers, only, the first go-around. They have exhausted that list, which was very short, which is pretty common. He added that they haven't completely exhausted the list, but they have now opened for recruits and laterals. They are hoping to get lots of applications and will continue to move forward. He will continue to provide updates.

## **8. Citizen Comment**

Chair Lohman asked Angie if there were any Citizen Comments submitted. Angie replied that there were four Citizen Comments submitted and that she would be reading them in the order in which they were received. Please see attached comments submitted from: Alicia A Gray, Dean Goodding, Daniel MacKenzie, and the Sherwood Police Foundation Board.

## **9. Adjourn (Chair)**

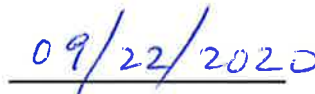
Mr. Silverforb made a motion to adjourn the meeting at 8:45 pm. Mr. Miller seconded the motion and all Board Members voted in favor.

**The next meeting is scheduled for September 17<sup>th</sup> at 6 p.m.**

Approval of Minutes:



Chair Ralph Lohman



Date

Attest:



Angie Hass, Executive Assistant



Date

**From:** Megan Thornton <mthorntonpab@gmail.com>  
**Sent:** Wednesday, August 26, 2020 12:35 PM  
**To:** Angela Hass <HassA@SherwoodOregon.gov>  
**Subject:** Re: Statement-PAB Meeting Minutes

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I want to make a modified statement in light of the events of this week. Angie, I'll email you my statement for the minutes so you don't need to write it now.

First we all know the optics of the Back the Blue rally driving down HW99 looked bad. The fact that the Sherwood Police Foundation was originally supposed to be at that rally only make it worse.

But...

That is only part of the story. Only part of the optics. Understand this event doesn't just occur on the street; it is amplified online. A look at our local Sherwood forums posts about the event uncover a dark, vial, racist part of our city. A part of our city that welcomes hate groups like Proud Boys. A part of our city that makes people of color feel unwelcome. It is sickening and we must work together to fix it. I realize we can't fix racism in this meeting. But we can't ignore it. When we see something wrong, we have to take action.

In regards to the Back the Blue rally this weekend. I have two recommendations regarding the Sherwood Police Foundation and one request of the Sherwood Police Department The Foundation is seen as closely tied to the SPD so the actions of that group matter.

1. The first recommendation is that the Sherwood Police Foundation should suspend involvement in rallies for the indefinite future. A rally will inevitably draw the attention of political groups and radical hate groups.
2. I believe it was in bad judgement for Sherwood Police Foundation to agree to attend a rally called 'Back the Blue'. Back the Blue is a political counter-protest group to Black Lives Matter. This group advocates for much more than just support for the police. They are political. And more importantly these types of counter protest rallies often attract fringe hate groups like the Proud Boys. I realize the intention of the rally was to support the police, but it was a mistake. A public apology and clarification is necessary.
3. Lastly my request. I have no answer. I have only conviction. It concerns the hate group that has gained a presence in Sherwood. Both a physical presence but also support within our online community forums. That hate group is the Proud Boys. Several attendees of the Back the Blue rally used social media to publicly thank this hate group for showing up. This hate group uses their 2nd Amendment rights as a display of intimidation to exercise their 1st Amendment rights. Their free speech spews racism and hate and fear. The People in Sherwood are fearful. I am fearful. However, people of color, LGBTQ, they are especially fearful. Should these hate group displays continue then we are in essence asking Sherwood Citizens to counter protest. I fear that will escalate the situation.

I want Sherwood to be a welcoming place. But right now, in light of this weekend Sherwood has a problem with racism and hate. Unfortunately this past weekend, hate used the banner of supporting the police to spread its message.

Do to these events, I have solicited the people of Sherwood to submit public comments about this issue. I ask that we listen honestly and respond with empathy and respond completely.

## **Exhibit "B"**

### **Chapter 2.36 - PERSONNEL SYSTEM**

#### **2.36.010 - Title.**

The title of the ordinance codified in this chapter shall be the personnel ordinance of the City of Sherwood.

#### **2.36.020 - Purpose.**

The ordinance codified in this chapter is adopted to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; and to assure that appointments and promotions of employees will be based on merit and fitness.

#### **2.36.030 - Adoption and amendment of rules.**

- A. As provided by Sections 37 and 38 of the City Charter, City Council must authorize the compensation of City appointive officers, and City Council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness. An Employee Manual shall be adopted and amended by the city manager on an annual basis, or at such other frequency as determined by the city manager, and shall be based on the policy decisions made by the city council; budget committee directives; state and federal legislation; general housekeeping; and the best business interest of the City of Sherwood. The manual shall include the rules and procedures by which the City will recruit, select, develop, and maintain an effective and responsive work force and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, discipline, discharge, and other related activities. All appointments and promotions shall be made in accordance with the employee manual and underlying policies, without regard to race, color, religion, gender, national origin, age or disability, and shall be based on merit and fitness.
- B. The police department shall operate under a police policy manual. All police policies, and amendments thereto, will be subject to the following review and approval process:
  - 1. As specified in section 2.08.085 of this code, the Police Advisory Board will review the policy or policy amendment and make a recommendation to City Council.
  - 2. City Council will then review the policy or policy amendment, along with the recommendation of the Police Advisory Board, and approve by resolution.

#### **2.36.040 - Administration of the rules.**

- A. The city manager shall be responsible for administering all the provisions of this chapter and of the employee manual not specifically reserved to the police chief, or otherwise addressed in labor or employment contracts.
- B. The police chief shall be responsible for administering the police policy manual.

- C. As used in this section, “administering” means ensuring compliance with, enforcing, applying, executing, interpreting, and maintaining.

## **2.36.050 Administration of the Police Department**

- A. The city manager shall be responsible for appointing, supervising, and removing a professional police chief consistent with the following:
  - 1. The police chief must meet or exceed the minimum qualifications as established in the job description for the position.
  - 2. The police chief must be a certified police officer in the State of Oregon, or obtain such certification within twelve months of appointment, and maintain such certification throughout employment.
  - 3. The police chief must possess executive certification through the State of Oregon, or obtain such certification within twelve months of appointment, and maintain such certification throughout employment.
  - 4. The police chief must attend ongoing professional training as directed by the city manager.
  - 5. The police chief must be an active and participating member of the Oregon Association of Chiefs of Police, a member of the International Association of Chiefs of Police, and/or a member of such other professional organizations as may be directed by the city manager.
- B. The city manager must ensure the police chief operates the police department consistent with the following:
  - 1. The police department shall obtain and maintain accreditation through the Oregon Accreditation Alliance, or another accrediting body as directed by the city manager.
  - 2. The police department shall participate in some form of best practice review or assessment on a schedule determined by and as provided by the city’s insurance provider, or another organization as directed by the city manager.
  - 3. The police department shall provide a style and manner of policing that is community-based and focuses on building and maintaining community relationships.
  - 4. The police department shall adhere to the philosophy of “Rightful Policing”, which includes the concepts of lawfulness, legitimacy, and procedural justice.
  - 5. The police department shall strive to recruit and hire the most qualified candidates through a lens of diversity, equity, and inclusion.

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the City of Sherwood Police Department to perform their functions based on established legal authority.

## 100.2 POLICY

It is the policy of the City of Sherwood Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

## 100.3 PEACE OFFICER POWERS

Peace officers are granted authority by Oregon Revised Statutes to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Sworn members of this Department are peace officers pursuant to ORS 161.015. Peace officer authority extends to any place in the State of Oregon.

### 100.3.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

- (a) A peace officer may arrest a person for a crime at any hour of any day or night.
- (b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235, ORS 161.239 and ORS 161.245.
- (e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Law Enforcement Authority*

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- (f) If after giving notice of the peace officer's identity, authority and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.
- (g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

#### **100.4 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Oregon Constitutions.

#### **100.5 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).
- (c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

Whenever an officer makes an arrest in California, Idaho, Nevada or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Penal Code § 852.3; Idaho Code 19-702; NRS 171.158; RCW 10.89.020).

# Public Safety Certification

## 102.1 PURPOSE AND SCOPE

This policy outlines certain state certification and training requirements for Agency members.

## 102.2 BASIC CERTIFICATION

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers and dispatchers employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment (OAR 259-008-0060).

## 102.3 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are required to complete the supervision course or middle management course, respectively, within 12 months of appointment unless a time extension is granted by DPSST (OAR 259-008-0025). Supervisors and managers should also seek the appropriate level of certification (OAR 259-008-0060).

## 102.4 MAINTENANCE OF CERTIFICATION

In order to maintain certification, all active law enforcement officers and dispatchers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

Active police officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of agency-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers (OAR 259-008-0065).

## Oath of Office

### 104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

### 104.2 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. The form of oath should be as follows:

"I, (state name), do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the laws therefore and rules and regulations of the City of Sherwood Police Department, and I will faithfully, honestly and impartially discharge the duties of (position about to assume) during my continuance therein, to the best of my ability, so help me God."

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

#### 104.2.1 CRIMINAL JUSTICE CODE OF ETHICS

All members of the City of Sherwood Police Department are required to subscribe and adhere to the Criminal Justice Code of Ethics as presented in the introduction to this Policy Manual.

#### 104.2.2 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

### 104.3 POLICY

It is the policy of the City of Sherwood Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.



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# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the City of Sherwood Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City of Sherwood Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The City of Sherwood Police Department reserves the right to revise any policy content, in whole or in part.

## 106.3 AUTHORITY

The Police Chief shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Police Chief or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

## 106.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations.

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**City** - The City of Sherwood.

**Non-sworn** - Employees and volunteers who are not sworn peace officers.

**Department/SPD** - The City of Sherwood Police Department.

**DHS** - Department of Human Services.

**DMV** - The Department of Motor Vehicles.

**Employee/personnel** - Any person employed by the Department.

**Manual** - The City of Sherwood Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the City of Sherwood Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

**OAR** - Oregon Administrative Rules (Example: OAR 259-008-0060).

**ORS** - Oregon Revised Statutes (Example: ORS 153.039).

**OSP** - The Oregon State Police.

**Officer/sworn** - Those employees, regardless of rank, who are sworn peace officers employees of the City of Sherwood Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### **106.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Police Chief or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand. Each time the manual is updated, members are required to review the updated material and acknowledge the updates.

### **106.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Police Chief will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **106.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Section Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Section Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

# Chief Executive Officer

## **107.1 PURPOSE AND SCOPE**

All law enforcement Chief Executive Officers employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the City of Sherwood Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060).

## **107.2 POLICY**

It is the policy of the City of Sherwood Police Department that the Police Chief meets the minimum standards for exercising his/her authority granted by law.

## **107.3 POLICE CHIEF REQUIREMENTS**

The Police Chief of this department, as a condition of employment, should have, within two years of appointment, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST) and be licensed by DPSST.

## **Chapter 2 - Organization and Administration**

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

### 200.1.1 AUTHORITY OF THE CHIEF OF POLICE

The City of Sherwood is a municipality governed by a City Charter, which has established and adopted the Sherwood Municipal Code.

In accordance with Sherwood Municipal Code 2.36.040, The Police Chief is responsible for administering the rules of the Police Department, known as the City of Sherwood Police Department Policy Manual.

## 200.2 DIVISIONS

The Police Chief is responsible for administering and managing the City of Sherwood Police Department. There are three sections in the Police Department as follows:

- Administration Section
- Patrol Section
- Support Section

### 200.2.1 ADMINISTRATION SECTION

The Administration Section is commanded by the Chief of Police whose primary responsibility is to provide general management direction and control for the Administration Section.

### 200.2.2 PATROL SECTION

The Patrol Section is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Patrol Section. The Patrol Section consists of Uniformed Patrol and Special Patrol Operations.

### 200.2.3 SUPPORT SECTION

The Support Section is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Support Section. The Support Section consists of the Investigations Unit, Property/Evidence Unit, Records function and Code Enforcement.

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Section Commander to serve as the acting Chief of Police.

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Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Patrol Captain
- (b) Support Captain
- (c) Police Sergeant

#### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### 200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority. This includes compliance with orders of a supervisor communicated through employees of equal or lesser rank.

As outlined in policy 358.4.1, it may be necessary to contact members to advise them of a major incident as defined in policy 358.3, or out of administrative necessity and for call-back. For these reasons members are required to maintain and provide a telephone number so they can be contacted when not at work. Members are expected to make a good faith and reasonable effort to answer calls from the agency and will be compensated in accordance with the collective bargaining agreement.

#### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

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### **200.4 ACCOUNTABILITY**

Supervisors and managers shall be accountable for the performance of the members under their immediate control.



## Departmental Directives

### 204.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Police Chief to make immediate changes to policy and procedure. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### 204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate. A Departmental Directive will be rescinded once it has been incorporated into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 08-01 signifies the first Departmental Directive for the year 2008.

### 204.2 RESPONSIBILITIES

Responsibility for the issuance of policy revisions and departmental directives shall be as prescribed below.

#### 204.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

#### 204.2.2 POLICE CHIEF

The Police Chief or the authorized designee shall issue all Departmental Directives.

### 204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Support Captain.

# Emergency Operations Plan

## 206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated (ORS 401.305).

All employees shall receive annual refresher training on the details of the Sherwood Emergency Operations Plan.

## 206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. For this department, the Police Chief or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the City of Sherwood Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Police Chief or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

### 206.2.2 EMERGENCY OPERATION GUIDELINES

In the event of a serious non-criminal emergency, such as a natural or man-made disaster like an earthquake, major storm, flooding or wildfire, all department members shall respond as prescribed below:

- All on-duty supervisors shall immediately notify all on-duty field personnel of the incident and respond to the City Emergency Operations Center for further assignment
- All on-duty field personnel upon becoming aware of the incident, shall immediately conduct patrol district surveys as directed
- All off-duty supervisors upon becoming aware of the incident, shall immediately check-in with their respective Division Commander for further assignment
- All off-duty field personnel upon becoming aware of the incident, shall immediately check-in with the on-call supervisor or their immediate supervisor for further assignment

If at any time staff is unable to make contact as prescribed above, they shall respond to the police facility for further assignment. If at any time staff is unable to respond to the police facility, they shall immediately respond to the nearest police or fire facility.

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#### **206.3 LOCATION OF MANUALS**

The manual for the employees is available in Administration and the Shift Supervisor's office. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

#### **206.4 BUILDING EVACUATION PLAN**

In the event of a disaster or emergency which requires evacuation of the police building, all employees shall follow implemented evacuation plans and posted exit routes (OAR 437-002-0041). The posted exit routes shall include any special directions for physically impaired employees.

#### **206.5 UPDATING OF MANUALS**

The Police Chief or the authorized designee should review the Emergency Operations Plan Manual annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

# Training

## 208.1 PURPOSE AND SCOPE

It is the policy of this agency to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Agency will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

## 208.2 PHILOSOPHY

The Agency seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates.

## 208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of agency personnel.
- (d) Enhance the safety of officers and the community.

## 208.4 TRAINING PLAN

A training plan will be developed and maintained by the Support Captain. It is the responsibility of the Support Captain to maintain, review and update the training plan on an annual basis. The plan will address the following areas:

- Legislative changes and changes in case law, including search and seizure
- State and Federally mandated training, including the Prison Rape Elimination Act (PREA)
- High-liability issues training, including Use of Force
- Training on agency policies and procedures

## 208.5 TRAINING NEEDS ASSESSMENT

The Training Division will conduct an annual training-needs assessment of the Agency. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

## 208.6 TRAINING COMMITTEE

The Support Captain may establish a Training Committee, which will serve to assist with identifying training needs for the Agency.

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### *Training*

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If utilized, the Training Committee shall be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Support Captain may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Support Captain to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Support Captain. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Support Captain will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Agency and available resources.

#### **208.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
  - 1. Court appearances.
  - 2. First choice vacation.
  - 3. Sick leave.
  - 4. Physical limitations preventing the employee's participation.
  - 5. Emergency situations.
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Support Captain to attend an alternate date.

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Employees shall not miss consecutive training sessions for any training required for continued certification. This includes, but may not be limited to firearms, defensive tactics and use of force. If an employee is unable to complete the training required for certification they shall notify their immediate supervisor, in accordance with Policy 1032 of this manual.

#### **208.8 TRAINING COSTS**

It is the responsibility of the Support Captain to determine when the City of Sherwood Police Department may be entitled for training reimbursements when an officer has completed any portion of basic training in the last 36 months and voluntarily leaves employment and is subsequently employed by a different law enforcement agency in a position that requires the same training. If it is determined to seek reimbursement for qualifying expenses, the requests shall comply with the provisions of ORS 181A.620.

#### **208.9 DAILY TRAINING BULLETINS**

The Department may choose to utilize the Lexipol Daily Training Bulletins.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Patrol Captain. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of this agency.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to insure compliance with this policy.

## Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the agency's electronic mail (email) system by employees of this agency. Email is a communication tool available to agency employees to enhance the efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law, such as the Oregon Public Records Law set forth in Oregon Revised Statutes 192.311 et seq. Messages transmitted over the email system must only be those that involve City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration, or practices.

### 212.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over agency networks are considered agency records and therefore agency property. The Agency reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any agency system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The Agency reserves the right to access any personal folders to assure compliance with this policy.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the agency email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Agency.

### 212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire agency are only to be used for official business related items that are of particular interest to all users and must be approved by the Police Chief or a Section Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

### *Electronic Mail*

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#### **212.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the Oregon Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.



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## Administrative Communications

### **214.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide members with the protocols and forms to be used for internal administrative communications. Administrative communications of this department are governed by the following policies.

### **214.2 MEMORANDUMS**

Memorandums may be issued periodically by the Police Chief to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

### **214.3 CORRESPONDENCE**

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Police Chief. Personnel should use Department letterhead only for official business and with approval of their supervisor.

### **214.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Police Chief or a Section Commander.

### **214.5 CONFIDENTIALITY**

As a professional police organization, and in keeping with the ethical standards of law enforcement, members are expected to maintain the confidentiality of all information they receive in their official capacity, including investigative information and personnel information. Such information should not be shared unless revelation is necessary in the performance of their duties.

## Staffing Levels

### 216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the Department's need to meet operational requirements.

### 216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two (2) sworn officers on duty at all times. Shift Supervisors will ensure that the shift minimum is maintained and have the responsibility and authority to approve overtime to cover these minimums.

As provided in the collective bargaining agreement between the City and SPOA, the City retains the right to determine standards of service and levels of service and reserves the right to adjust staffing levels at any time to meet the operational requirements of the department.

#### 216.2.1 SUPERVISION DEPLOYMENTS

As provided in the collective bargaining agreement between the City and SPOA, officers may serve from time to time as Officer-in-Charge in the absence of a Sergeant. The role and responsibility of the Officer-in-Charge is outlined in Section 216.2.2.

Notwithstanding the above, and to meet the operational needs of the Department, the Chief of Police may assign an officer to work out of class as an interim Sergeant.

#### 216.2.2 OFFICER IN CHARGE

In order to provide the basic level of leadership and accountability, an Officer-in-Charge shall be designated in the absence of a shift sergeant.

The selection of the Officer in Charge shall be based on the following criteria;

- (a) A minimum of three (3) years as a Police Officer.
- (b) Must have completed the probationary period with this department
- (c) Must have received Officer in Charge training from this department
- (d) Must have demonstrated competence through acceptable field performance and leadership experience

In those instances when the above criteria are met by more than one officer, the officer with the most seniority with this department will be designated as the Officer in Charge.

In those instances when all or some of the above criteria cannot be met, the most senior officer on duty may serve as Officer in Charge with supervisory approval.

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The Officer-in-Charge will be responsible for ensuring the minimum staffing level is maintained and contacting the on-call Sergeant when necessary. In addition, the Officer-in-Charge should assume the following basic responsibilities;

- Conducting shift briefings
- Serving as the liaison for the dispatch center
- Serving as a resource for the other officers
- Answering routine operational questions from other officers
- Directing resources as needed dependent upon call volume
- Maintaining communications as needed with the on-call Sergeant

# Concealed Handgun License

## 218.1 PURPOSE AND SCOPE

The Sheriff of a county shall issue Oregon concealed handgun licenses to qualified applicants upon receipt of the appropriate fees and after compliance with the procedures set out in ORS 166.291 through ORS 166.295. Police Departments should refer inquiries related to concealed handgun licenses to the Sheriff's Office.

## 218.2 QUALIFIED APPLICANTS

To qualify for an Oregon concealed handgun license, an applicant must meet the criteria set forth in ORS 166.291 et seq.

## 218.3 DENIAL OF CONCEALED HANDGUN APPLICATIONS

If the application for the concealed handgun license is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail, restricted delivery, within 45 days after the application was made. If no decision is issued within 45 days, the person may seek review through the procedures set out in ORS 166.293(5).

A Sheriff may deny a concealed handgun license if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others, or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence (ORS 166.293).

## 218.4 ISSUED CONCEALED HANDGUN LICENSES

If the application for the license is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized license bearing the photograph of the licensee. The license must be signed by the licensee and carried whenever the licensee carries a concealed handgun. Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license (ORS 166.292).

The Sheriff shall keep a record of all the licenses that are issued or renewed.

Unless revoked, an Oregon concealed handgun license is valid for a period of four years from the date on which it is issued.

### 218.4.1 REVOCATION OF LICENSES

Any act or condition that would prevent the issuance of a license under ORS 166.291 as set out above, is cause for revoking a concealed handgun license.

A Sheriff may revoke a license by serving upon the licensee a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified

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mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

Any peace officer or corrections officer may seize a concealed handgun license and return it to the issuing Sheriff when the license is held by a person who has been arrested or cited for a crime that can, or would otherwise disqualify the person from being issued a concealed handgun license. The issuing Sheriff shall hold the license for 30 days. If, after 30 days, the person is not charged with a crime the Sheriff shall return the license unless it is revoked.

A person whose license is revoked may seek review by following the procedure set forth in ORS 166.293.

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of City of Sherwood Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

### 220.2 POLICY

It is the policy of the City of Sherwood Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

### 220.3 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

#### 220.3.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

### 220.4 FIREARM QUALIFICATIONS

The Support Captain may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Support Captain will maintain a record of the qualifications and weapons used.

## Angela Hass

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**From:** Alicia Gray [REDACTED]  
**Sent:** Monday, August 17, 2020 12:40 PM  
**To:** Angela Hass  
**Subject:** Police Advisory Board comments-8/19

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

At a time of national social unrest with protests against systemic racism in policing, I am concerned that there was a pro-police rally one block from the Sherwood police station where a Proud Boys flag flew on Saturday. This group is defined as a hate group with strong ties to white supremacy. I am concerned about this type of action creating an even more divisive environment in our town where some won't feel safe.

I support our police and think there's an opportunity here to clarify that SPD does not support the Proud Boys nor do they want their support in a thinly veiled counter protest to the Black Lives Matter movement. Please, please consider making a strong statement against aligning support for police with support from groups like the Proud Boys. I recognize and appreciate that SPD works very hard to keep Sherwood a safe, welcoming community and this action of solidarity would go a long ways with the community that includes many individuals targeted by groups like the Proud Boys.

Thank you for your consideration,

Alicia A Gray

Sherwood resident since 2017

My name is Dean Goodding and we have lived in Sherwood for 32 years. This is from a Father , Mother and family that lost a son, when he was shot and killed, in the line of duty.

Sgt Jason Goodding our son, was shot and killed while trying to serve an individual his 31<sup>st</sup> Felony warrant on 2-5-16 on the main street of Seaside. Trying to remove this individual before any harm was done to the public. It was to be his last day on earth, with Friends and his family.

With what has been on Social Media, I felt it was appropriate to send this story.

I will explain what the thin blue represents to us, and too each and every Law enforcement officer and families, and what it means to them.

It's a commitment to never forget fellow officers killed in the line of duty. **"NEVER FORGET"**, and commitment to support their "Creed of Respect and Honor". To support each other and the community they serve. To step in harm's way to protect the citizens of this community or any they serve.

Every time we see one on display, we thank people that fly it. We thank them for their Service and Thank Them for remembering our son.

Ignorance of a symbol such as a flag or sign can cause confusion and fear.

So here are some facts of the flag, what they mean, so you can help others understand when they see one, and share the information with others.

## What is the Thin Blue Line Flag?

...A question we are often asked and worth some explanation. While the roots of the thin blue line trace its origins to the United Kingdom, it has grown in popularity here in the United States as a "Recognition of the commitment of law enforcement as protectors of our communities."

The phrase "Thin Blue Line" was initially mentioned in a 1911 poem by Nels Dickmann Anderson.

In the 1950s, the blue line was adopted by law enforcement professionals to represent their courage and sacrifice while protecting the American people. The Thin Blue Line emblem was established to symbolize all law enforcement personnel similar to the Red Cross symbol representing all medical personnel. The Thin Blue Line embodies the unbreakable component of law enforcement standing as a safety barrier between the law-abiding citizens of America and the criminally inclined.

Ronald Reagan once said, "Evil is powerless if the good are unafraid."

Above the blue line represents the "good" spoken in Reagan's quote, while below the line represents the "evil." The law enforcement brothers and sisters in the United States make Ronald Reagan's quote a reality and the Thin Blue Line represents their constant bravery. They risk their lives daily upon the streets of America. The Thin Blue Line is a small token to remind us that the presence of law enforcement is to bring forth peace and diminish hostility and violence.

Just as the American flag pays tribute to the American people and the country's sacrifices to gain independence; the flag containing the Thin Blue Line pays homage to our law enforcement. Displaying



@ 9:04 p.m.



the flag in any forum demonstrates support to our law officers for their thankless efforts in keeping the peace across our great nation.

Learn more about the Oregon Fallen Badge, C.O.P.S. (Concerns of Police Survivors) Oregon Police Officers assoc. Local Foundations, like the Bowmen Family foundation, The Sherwood Police Foundation to name a few in this community

That's the Thin Blue line. No Political agenda. But a silent symbol of support and never forget their sacrifice, of what they have done.

You don't wake up one day and say "I'm going to be a cop" go get interviewed and get hired.

Find out yourself what it takes, What schooling it takes, What sacrifices a family must make. Including giving ones life in the line of duty, and leaving loved ones behind. It is a life's commitment.

They enforce laws that "We make and give to them" and then we get mad at them for following through. They take care of issues and problems that we don't want to see, or hear, Making us think "Life is Good"

We appreciate and care about our extended family, that are brave enough to wear a uniform and represent us. All of you should also. Stand behind the Thin Blue Line, and what it means

Respectfully and Humbly

Dean Goodding

Surviving Father of

Sgt Jason Goodding EOW 2- 5 2016

## Angela Hass

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**From:** Daniel MacKenzie [REDACTED]  
**Sent:** Tuesday, August 18, 2020 8:40 AM  
**To:** Angela Hass; Police Advisory Board  
**Subject:** Re: Sherwood "Back the Blue" rally commentary

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

This email was intended to be commentary for the upcoming Sherwood Police Advisory Board meeting. Please see that these comments make the meeting agenda.

Regards,  
Dan

On Mon, Aug 17, 2020, 9:54 PM Daniel MacKenzie [REDACTED] wrote:

My name is Daniel Mackenzie, and I live in the city of Sherwood. I was one of the "organizers" of the rally that was hastily put on this last Saturday after the official rally was cancelled. I understand that there has been some conversation/controversy surrounding the Proud Boys' involvement in the rally, and wanted to clarify a few points.

1. When they arrived, the Proud Boys were specifically asked NOT to fly their flag - by ME - as I knew that it would detract from the message we were trying to convey that day. They obviously chose not to comply with my request and flew it anyway. Our stated intent from the beginning was for the rally to be non-partisan. While our group did not agree with their choice to do so, as a Marine veteran and a former police officer of 10 years myself, I've learned that one of the uncomfortable side effects of the 1st Amendment is that we oftentimes have to hear/see things we may disagree with. Also, there were absolutely no other avenues for us to take to dissuade them from doing so.

2. Concerning item #1, it is also noteworthy that we had BLM supporters present at the rally. Those 2 young women were allowed to travel freely in and among our group and aside from some attempts at honest discourse, were not otherwise mistreated by members of our group. We gave them water/Powerade and made sure they were not mistreated by the Proud Boys. During the course of my conversation with them I even personally THANKED them for being present, and taking part in their Constitutional right to speak freely and protest peacefully. We were even able to agree on a few things, which was encouraging.

3. There were community members of many races represented within our rally - Black, Asian, Hispanic, Polynesian - who were all treated with the utmost respect and dignity by all parties involved. We even had a resident from Guatemala who gave great testimony about what living life in a country with truly corrupt and inept policing is like. It would have been great for more people of influence in the community to hear what he has to say.

4. Lastly, while I can certainly understand that there are a lot of people that have had a lot of pain brought to the surface given recent events - the side that is being almost completely ignored here is that of the officer's families. We were approached by a wife of a Portland Police officer at the rally who was quite literally shaking and sobbing explaining to us how her family - IN OUR COMMUNITY - has been "doxed", threatened with violence and are now living in fear 24/7. This is not a unique thing, and that was the purpose of our rally - to show them support. To let them know that we are here for them as well. While the focus of the

conversation as of late has been Black Lives Matter, I find it reprehensible that this is a part of the conversation that is being largely ignored. There are really GOOD police officers out there, and they don't deserve to be the scapegoats for the few bad ones.

I disagree with the assertion that somehow supporting the police is a counter protest to the BLM movement. Having been a police officer myself, I know 1st hand the important work these men and women do every day to ensure the safety and security of ALL our community members - because they are ALL of us, and they are the best of ALL of us. The police have work to do - absolutely - and they most likely always will have to keep improving as they are human beings and are burdened with imperfection, just as the rest of us are.

For almost 20 total years in the military and as a police officer, I watched men and women of all races, religions, sexual preferences, etc do amazing things in the face of great peril to themselves for people of all races, religions, sexual preferences, etc without so much as a thought as to what that person looked like, who they prayed to (or not), who they loved or who they voted for. There will always be evil in the world - we cannot legislate that out of peoples' hearts. The police in America stand ready to face that evil every day. For EVERYONE to feel safe, we need the BEST police officers society has to offer, and they need to be well funded, well trained and it wouldn't hurt for the community to show them some appreciation now and then. That's all we were trying to do last Saturday.

Respectfully,  
Dan Mackenzie  
Sherwood, OR

August 17, 2020



To the Police Advisory Board:

@ 10:16 a.m.

The Sherwood Police Foundation is a 501 c 3 non-profit organization. As a 501 c 3 non-profit, the Sherwood Police Foundation does not and will not affiliate with political organizations. The SPF did not participate in the rally this past weekend.

The mission of the SPF is to strengthen and promote community support for the Sherwood Police Department. Our vision is to promote the highest level of public safety and security by ensuring the SPD possesses the necessary tools, resources, training, and programs to effectively and safely serve our community and to create community partnerships that encourage citizen participation in enhancing the safety of Sherwood.

The SPF looks forward to holding events in the future that will enhance the relationship between the citizens of Sherwood and the officers of SPD to continue building a sense of community and mutual support in the furtherance of the SPF mission.

Respectfully,

The Sherwood Police Foundation Board