



AGENDA

Police Advisory Board

Date & Time:	Thursday - September 17, 2020 7:00pm
Location:	Pursuant to Executive Order 20-16, this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

Attendees

P.A.B. Members:	Council Liaison:
Ralph Lohman - Chair	Councilor Russell Griffin
Diane Foster - Vice Chair	City Staff:
Brian Dorsey	Jeff Groth - Police Chief
Rich Miller	
Bob Silverforb	
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	

Agenda

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of Minutes (Chair)
4. Board Member Announcements (Chair)
 - a. Introduction of New Board Member
5. Business (Chair)
 - a. Police Policy Review-Chapters 302, 306, 308
6. Councilor News
7. Staff Report(s)
8. Citizen Comment

Pursuant to Executive Order 20-16, citizen comments must be submitted in writing to:

sharps@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.

9. Adjourn (Chair)



Meeting Minutes



Police Advisory Board

Date & Time:	September 17, 2020 - 7:00 pm
Location:	Meeting held virtually through Teams.

P.A.B. Members:	Council Liaison:
Ralph Lohman - Chair	Councilor Russell Griffin
Diane Foster - Vice Chair	City Staff:
Brian Dorsey	Jeff Groth – Police Chief
Rich Miller	
Bob Silverforb	
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	

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=45c-xhTKK1I&t=60s>

1. Call to Order

Chair Lohman called the meeting to order at 7:00 p.m.

2. Roll Call

Board Members Present: Chair Ralph Lohman, Vice Chair Diane Foster, Brian Dorsey, Bob Silverforb, Mike Smith, Megan Thornton (late arrival), Chris West and Laurie Zwingli

Board Members Absent: Rich Miller

Staff & City Council Liaison Present: Chief Jeff Groth and Councilor Russell Griffin (sitting in for Councilor Kim Young)

3. Approval of Minutes

August 20, 2020 Meeting Minutes

Mr. West noted that he was shown as present at the August meeting, when in fact, he was not. Mr. Silverforb moved that the August meeting minutes be approved as written, with the one correction for Mr. West. Mr. Smith seconded the motion to approve. All present Board Members voted in favor to approve.

4. Board Member Announcements

Vice Chair Foster gave a shout out to all first responders, especially to those who have been responding to all of the fires. A lot of them have been away from their families and working long hours. They have saved a lot of homes, even though there has been a lot of devastation. All Board Members applauded.

a. Introduction of New Board Member

Chair Lohman introduced and welcomed Brian Dorsey to the Police Advisory Board. All Board Members welcomed him as well. Mr. Dorsey said that it was an honor to be able to participate and to work with them all to continue the great work that is happening with the Sherwood Police Department and the City. He also wanted to give a shout out to all of the first responders. They have been phenomenal – the firefighters, the EMT's, the citizens of Oregon, in particular the citizens of Sherwood. He spoke of his recent visit to Walmart and some other stores where he saw citizens purchasing items to help some of those who had been displaced from the fires. It was a beautiful thing to see the community come together to help bring some normalcy to those whose lives had been totally disrupted and uprooted by the fire and the after effects of the fire. He hopes to see that continue and for the great citizens of Sherwood to continue to show why we are a city that people look forward to becoming a part of.

Mr. Silverforb shared an incident that occurred on Labor Day, while out on a walk with his wife. He stated that he had a bad fall and suffered a pretty bad gash on his forehead. Within 30 seconds of him hitting the ground, Officer Hector Rodriguez showed up and immediately called for an ambulance. He appreciates Officer Rodriguez's help. He is doing better and the stitches have been removed.

Ms. Thornton joined the meeting at this time and had no announcements, other than to share that she was excited to have recently celebrated her 40th birthday. The Board Members wished her a happy birthday.

Mr. West provided an update on the Traffic Safety Committee stating that the August meeting was the first meeting where they actually had citizen input about issues that they were concerned about. Some were older ones that staff put onto the form that they're using and others came in after the announcement went out that they were now accepting the forms. He thought that the meeting went well. It went long, as they used all of the two hours, plus some. All of the issues were addressed and a couple of them are being deferred while waiting for more input. He thought the process went very well. There were good discussions as to whether or not stops signs should

be put into a neighborhood, a pedestrian crosswalk, parking for sporting events on a street near the new high school, and a new crosswalk on Sunset, which will hopefully be addressed with new construction that has been started. It was a full gambit. What the Board had helped to design and getting the Council's blessing and oversight and after actually doing work on it, he was feeling pretty good about it.

Mr. Smith added that he was impressed with the amount of research that the City staff puts into each complaint. Some that had been received, hadn't had the opportunity to have the research done, but some had. It was mind-boggling. He explained that the committee's first thoughts were, yes, we absolutely need this, or that. However, after hearing the staff's gentle pushbacks and explanations, facts, research, etc. they had the opportunity to see from a different perspective. It was really great to know that research is being put into these decisions and they're not just willy, nilly.

Mr. West wanted to echo what had been said about the first responders. He has a younger brother that works for the Oregon Department of Forestry and he's been dealing with all of this. They even had to evacuate his office. He's only getting a couple hours of sleep each night and glad that the weather storm is coming in.

Ms. Zwingli welcomed Mr. Dorsey and said it was very nice to have him step up and be part of their membership. She also wanted to give a shout out to all of the first responders. She agreed with everything that had been said so far. She also knows that recent fire events have affected three of the personnel at the Sherwood PD. Her thoughts and prayers are with them and a great amount of thanks, as well. The Sherwood Police Foundation still has about 30 "I ♥ Sherwood Police" signs. If anyone wants one, please let her know.

Ms. Zwingli asked Mr. West if one of the issues that was brought up at the Traffic Safety Committee Meeting involved the traffic circle by Walmart. She had been seeing a spike in conversations about that particular issue on Facebook recently. He replied that was not mentioned at last month's meeting. He suspects that will come up at some point, as he had been seeing that as well.

Ms. Thornton asked where to submit the request forms. She would like to submit one for an intersection in Woodhaven where there are three stop signs that no one adheres to.

The Chief stated that the City has already begun some work to address the roundabout at Langer Farms and Century. That all started prior to the Traffic Safety Committee getting up and running. The City did not want to wait for the Committee. It is entirely possible that issue will come before the Traffic Safety Committee for their input. A consultant has been brought in regarding the roundabout. As Councilor Griffin was in attendance at that evening's meeting, he may be able to provide an update for the Board Members from a Council perspective.

The Chief let Ms. Thornton know that the Traffic Safety forms are available on the City website and explained how she could locate them. He added that if she was simply wanting to report that drivers are not obeying a stop sign, it would be best if she called into the PD to request an enhanced patrol. She asked for the number to call, which he provided to her, 503-625-5523. He went on to explain the difference between the need to submit a Traffic Safety Complaint/Request Form and requesting an enhanced patrol.

Chair Lohman also gave kudos to the first responders and their families and for the sacrifices that they make.

5. Business (Chair)

a. Police Policy Review – Chapters 302, 306, 308 (See Exhibit “A”).

The Chief stated that he’d hoped that everyone had located the policies available on the City website, so they had a chance to review, prior to the meeting. He will be going over the highlights for each policy and asked the Board to let him know if there are any sections that they have questions on. If anyone sees any glaring typos or grammatical errors, he asked that they send an e-mail to Angie or himself.

Policy 302 – Use of Force Review Boards

Ms. Thornton asked if, when something major occurs, it was pretty standard for the review / investigation to be conducted by other agencies, such as by Washington County, for the Sherwood PD. The Chief stated that there are two ways that could play out. One is that it would be investigated by an outside body. The other way is that the agency itself would conduct the investigation. There are lots of examples in bigger cities. He believes that Portland uses their own agency for these types of investigations. He does think that they have started transitioning to the other model. Nationally, he couldn’t tell her – he thinks it’s kind of all over the place. It is his understanding, from the material and the research that he’s reviewed, that the best practice is having an outside agency review these types of situations. It is his belief, that we in Washington County, are doing it as well as any model that is out there. The investigators are highly trained and trained specifically to review these types of force and incidents and not employed by the agencies involved. He thinks that Washington County is following the best practice and model that’s out there for the country. Not everybody does it that way.

Mr. Dorsey liked the idea of the review board. He asked for a bit more clarification from the Chief as to if all of the reviews are done by Washington County, or if some are done in-house. He wanted to know if they are following the policy or doing something a little different. The Chief stated that it was his opinion that they are following the policy, but he thinks that the way the language in the policy is written out, it presents this as a very formal thing, when in fact, it happens all the time. That is what he was trying to convey. He proceeded to explain what happens when there is a Use of Force occurrence. When

somebody gets into a tussle with a suspect to get them into handcuffs, a Use of Force Report is completed. That report is then reviewed by the Officer's Supervisor, both Captains, independently, then forwarded to the Chief for final review and approval. That in essence, is a review board. The only difference is they're not convening together. If it's a more significant Use of Force, they may actually get together to talk about the issues, the policy issues, the training issues, or the things that could have been done better. In order to do that, in a significant Use of Force, an investigation is conducted. Which is why he would refer to the Washington County Major Crimes Team to do that investigation. He added that the process takes place with every Use of Force, even beyond what is listed in the policy.

Mr. Dorsey asked if the public has access to any deliberations, relevant reports or information from the reviews or components that are being brought together to verify that everything was done within department policy and procedure. The Chief explained that the community, through the public records process, which is a matter of State law, has access to any work product. They can file a public records request and can get copies of reports. The only caveat to that would be if the investigation's in process or it involves specific personnel matters. In those instances, they would default to the City Attorney to determine what information can and can't be released and if it can be released, when it can be released. There is a lot of legal nuances involved in that. From a public records law perspective, just about everything is releasable unless it has some kind of an exemption and they have to prove that exemption. If they say they're not going to release something, then the requestor has the ability to appeal that decision to the District Attorney for Washington County, who reviews everything and then determines whether it needs to be released or not. In Oregon, the public records law is a law of public interest and release, with some exceptions. With a significant Use of Force, the standard practice in Washington County is that once the investigation is done and reviewed by the District Attorney, they will then put out a media release and a statement with their decision, the facts of the case and what led them to the decision that they made. It is normally in the process that the public then has access to what happened and what the circumstances were. As every case is unique, there may also be press conferences along the way if it's a real significant Use of Force. The most recent example of that was a Christmas evening, back in 2014 or 2015 where they had an officer involved shooting just south of town involving Sherwood, Tualatin, and Hillsboro officers. There were bits of information being released through press conferences and updates. The whole story wasn't told until the DA had a chance to review the complete investigation by the Major Crimes Team.

Mr. Smith stated that they are inundated by the news with Uses of Force, etc., mostly from larger cities. As Sherwood is a smaller community, he asked the Chief how frequently they are reviewing Use of Force issues. The Chief stated that it's not very common and they're certainly not higher than any other agency their size. On average, it's far less than one a week. It's not uncommon for several weeks to go by where he

doesn't see a Use of Force Report because there hasn't been one. Most of what they do have are pretty insignificant, such as somebody tries to pull away when they're getting arrested for DUI or they take off running. Things that one would think are pretty typical types of things. They have very few situations that turn into, what he would describe as, a fight for a Police Officer. They go to great lengths to avoid those and they just don't happen, thankfully.

Policy 306 – Handcuffing and Restraints

The Chief explained that 99% of the time, suspects are restrained with handcuffs. He provided some examples, where in unique situations, it is necessary to handcuff a juvenile.

In regards to 306.3.1 Ms. Thornton asked how it is legal to handcuff someone if they haven't been arrested. The Chief explained that it is legal for an Officer to control a situation while they're investigating a potential crime and trying to figure out what's going on. If an Officer needs to utilize a level of force in order to do that, then they are justified in doing that, both by State law and this policy. He provided a few different examples. It is absolutely legal and absolutely necessary so that Officers and others in a scene can be protected. Ms. Thornton asked if there were any statistics or research to show how many of those handcuffed/detained end up becoming arrested. The Chief said that he couldn't provide objective, fact-based statistics. Anecdotally, both in his career as an Officer and as a Supervisor, a safe estimate would be about 75% of the time when someone is placed in handcuffs, they end up getting arrested. He went on to say that Domestic Abuse has been proven, statistically, to be inherently a male committed crime - male on female, not exclusively, but statistically. He provided an example of how a situation like that would play out with the male being handcuffed while they figure things out.

306.5 – Application of Spit Hoods: The Chief shared how the application of spit hoods is necessary in some cases, most especially now that Officers are working with COVID out there. He told the Board of a recent situation where a Tigard Officer had been spit in the face by someone stating that they had COVID. The Officer then had to be quarantined for 14 days. The Chief showed everyone what the spit hoods look like and how they work. He wanted them to see that when a spit hood is used, the person can still see, breathe and function. Mr. Smith asked if all of the Sherwood Officers carry spit hoods or do they have to call for a spit hood? The Chief replied that they would most likely have one in their car.

Mr. Dorsey said that sometimes on the news, they see people being detained with handcuffs out in the open, public areas. He wondered when is it permissible to put someone in the back of a car, therefore, getting them both out of harm's way, from a public safety perspective, and just allowing the police to better do their job and investigate

the situation instead of leaving them out and exposed. Sometimes escalation happens due to further disruption from their behavior, etc. The Chief replied that the majority of the time, if someone is detained in that kind of a scenario where there's a police car, they do end up in the car. It will be based on the situation and circumstances, but most Officers are going to feel better about having somebody sitting in the back of a car so they can't run away or create some kind of kicking threat even though they're handcuffed. The only caution that they use is when somebody is put in the back of a car, it's really sending a stronger message that they are in fact being arrested and often times, that's not the message the Officer wants to send. There could be a scenario where they have someone sit down on a curb, so that they can hold to some belief and understanding that they're not being arrested and charged, but they're just being detained at that point. A lot of times they're placed in a car, maybe with the door open so they're not confined in the car. Mr. Dorsey asked for confirmation that there is currently no set policy for that situation. The Chief replied that was correct and explained that policy is set to project general expectations and standards of procedure, but there's no way to use policy to describe and predict a scenario. Anytime they start getting policy that's too prescriptive, then it doesn't take very long for an Officer to find themselves in a scenario that the policy isn't describing. Officers need to be able to make decisions based on their judgment and discretion and what's going on at the time, etc.

Mr. Dorsey asked if there is a preference to use the traditional handcuffs over the zip ties. It seems like the zip ties are seen more with Officers that are doing crowd control. With them being easier and lighter to work with, he wondered why they still have a need for the metal handcuffs when it's added weight and they're harder to work with when you're in a situation where you need to quickly get them applied. The Chief stated that was a really good question. Where you're mostly going to see the zip ties, is in situations where there's large crowds and there may be multiple detentions or the transfer of people from Officer to Officer. That is part of it. The reason they are going to use the metal handcuffs at every opportunity that they can, is because they're safer. When you put a set of metal handcuffs on somebody, you can control the fit so that that they're not too tight and not too loose and then you can lock them so they won't get tighter and they won't get looser. That ability is called double locking the handcuffs. That is a very important thing as it keeps the handcuffs at the proper fit and you can't do that with plastic cuffs. The preference is always going to be the metal handcuffs for the day to day police work, the majority of the time. That is not what you see on television, because it's mundane and there's nothing exciting about it, so they're going to show these large groups, very dynamic things, because that's what they want to show on the news and that's where you would, perhaps, see the plastic cuffs being used more frequently.

Mr. West asked if the handcuffs are personal or assigned property. The Chief replied that he believes the Sherwood PD issues them along with the other equipment. If an Officer is hired who has handcuffs from their previous job, then they may not need any. It's not like a firearm.

Councilor Griffin had a question regarding 306.8, requiring documentation if somebody is restrained and released or restrained and arrested. Either way, he wondered if there is some sort of notification or inclusion of that fact, added to the Officer's report. If so, is it a comment, a check box, or what does that mean. The Chief stated that it is included in the narrative portion of the report. He provided an example of how that might read in a report.

Policy 308 – Control Devices and Techniques

In regards to policy 308.5-Baton Guidelines, the Chief shared that they are double checking with all Officers, but they believe that none of the Sherwood Officers carry batons. He explained that when the taser came out, it proved to be such an effective tool, that he would much rather have somebody be tased and endure the pain of tasing with very little risk of injury to them whatsoever, as opposed to them being struck with a hard metal object and potentially get a bone fracture or a dislocated joint somewhere. However, it is important to have batons covered in the policy in the event that they chose to carry them.

The Chief stated that the Sherwood PD doesn't have tear gas either, Policy 308.6. That policy has an update coming because, according to current State law, tear gas can only be used when Officers have declared a riot. As Sherwood doesn't have tear gas, it would only be used if there was a demonstration that got out of hand and another agency had to come in to assist.

In addition, Sherwood Officers don't carry OC (pepper spray), Policy 308.7. The reason for that is, part of using and having all of the different gadgets, is you have to provide training for all of them. That becomes a significant time and cost resource. The pepper spray would have to be purchased and only lasts so long – replacements would then need to be purchased, etc. Also, with pepper spray, there is a risk of exposing others when it is deployed, including Officers and innocent bystanders. He still feels it is important to keep in the policy, should they decide to change their minds at some point.

Ms. Zwingli asked about policy 308.6 that discusses tear gas and wondered why fire personnel would need to be alerted. She wasn't sure what tear gas had to do with fire. The Chief stated that he was not an expert, but the gas comes in a canister in a pyrotechnic type of delivery system. The trigger system is pulled, the canister is thrown and there's a small explosion that goes off to emit the tear gas. He believes that in order to get the tear gas out, there is a risk of starting a fire. If a canister was thrown in a patch

of dry grass, it could start a fire. He was making the conclusion, based on the very little bit that he knows. He added that they would also provide medical care to those who are exposed to it, as well.

Mr. Dorsey asked if in the case of any of these devices being deployed, is there a requirement for Officers to write up some sort of statement that speaks to the situation that led up to that at all. The Chief replied yes and reminded the Board of when they reviewed the Use of Force policy, #300, where it speaks to the requirement to write up in the narrative of their report as well as complete a Use of Force Report.

The Chief went on to cover Policy 308.9, Kinetic Energy Projectile Guidelines. The Sherwood Police Officers currently carry 12 gauge shotguns that deliver a bean bag. They don't carry shotguns that shoot real bullets, only bean bags. He provided a photo of what the 12-gauge shotgun looks like. All of the stock is orange, as well as the sling. This makes it highly recognizable as a kinetic energy device, not a lethal shotgun. Training is required and they are part of the department issue. He provided a couple different scenarios of when a bean bag shotgun would be used. He explained that they are currently in the process of transitioning to a 40 mil device. It looks like a glorified Nerf gun. It doesn't look like anything else that they've used. It fires a 45 mil rubber projectile instead of a bean bag. They are much more accurate and effective. They can be deployed at a little bit greater distance than the bean bags do. Once they have been received, training will take place. The projectile is slightly larger than a golf ball.

Mr. West asked who sets the standards on foot pound energy of the different projectiles and how is that done. He wasn't seeing that in the policy. The Chief said that is probably set by industry standards, so they know at what velocity a projectile is likely to break skin or not break skin. These projectiles are intended to not break skin, not to say that couldn't happen. Mr. West expressed his concerns for these projectiles to be used on someone who weighs 90 pounds, versus someone weighing 290 pounds. The Chief explained that these are the things that must be weighed by the Officer in any application of any Use of Force. At the end of the day, if the level of force is justified, based on the threat, then whether the person is 14 years old, or 44 years old, 110 pounds or 310 pounds, really doesn't become a driving factor. The factor is going to be that they are presenting a very real risk in a deadly situation and it has to be addressed.

The Chief said that the important thing to remember and what this policy allows and what is important that the Board and community understands, from his perspective as Police Chief and from the Sherwood Police Department, is that they expect their Police Officers to go to great lengths to defuse, de-escalate and to do everything they can to protect and to be peacekeepers. But, at the end of the day, the women and men of the Sherwood Police Department have every right to go home to their families. He will not, nor does he have the right to ask them to give their life for somebody else. That often times happens.

He pointed out that we just observed September 11th when hundreds and hundreds of Police Officers gave their lives trying to save other people's lives. There have been many, many Officers who have been shot over the last several weeks and gunned down in the performance of their duties. It happens and Officers know that it happens. As the Sherwood Police Chief, he does not expect them to do that. They have the right to be safe at the end of the day and go home. That is also a consideration – they have a right to protect themselves. It is also very important to remember that all of these judgements and decisions, oftentimes, happen in a split second. That is extremely dynamic and extremely challenging. That's why they have to try to train Officers to be ready to make the very best decisions with limited information in a moment of time. He compared it to the medical profession. Sometimes bad things happen on the operating table when people die. Not when a doctor is trying to save their lives, but when a doctor makes a mistake. He shared a personal experience where he lost a good friend when a doctor made a mistake on the operating table during a routine surgery. Those are mistakes that are made under controlled circumstances where surgeons know exactly what they're walking into. They know exactly what procedure needs to happen, they've trained for that exact procedure and yet, still, with the very best of intentions, mistakes happen. Police Officers rarely have that benefit. They are in these scenarios with no idea what they're walking into and they have, literally, seconds to gather all of the information and make a decision about what they need to do and the best course of action and try to keep themselves alive. It is always very important to him that people remember that.

Ms. Zwingli shared a concern of hers that is near and dear to her heart. She has a son who would not do well if found in a situation where he was being given orders by a Police Officer. He would freeze and not follow the orders. He would lose the capacity of what was being said to him. He would be in an escalated state, because he is autistic. She knows that there are other issues that affect people in similar ways. It's just a fact that when these people get escalated, their ability to hear just goes away. It's the first thing that leaves them. She asked what kind of training Officers get in order to recognize when they're dealing with someone like that. With the talk about "defunding" the police and curtailing some of the trainings that they get, how do they, as the public, identify themselves to Officers to say, "I'm not your typical person. You can yell at me all you want. I'm not going to be able to follow directions." Ms. Zwingli said that one of her biggest fears is that her son could be badly hurt, if not killed.

The Chief said that is a very good point and a critical training issue. To use autism as an example, there's going to be people all over the spectrum. There's going to be those that are more easily recognized based on some training and Officers knowing what to look for. There are also going to be those that are a little bit harder to distinguish. They might not present as obvious, but yet they may have the same type of reaction. Which is why the Sherwood PD is focusing on and will continue to focus on, their Officers maintaining that calm demeanor and voice, even in the face of very dynamic and very challenging

situations. The reason he said that is a challenge, is every Officer is different. That becomes a training issue and the way they work through that is through scenario training, constant scenario training, rehearsing and revisiting. What they don't have the ability to do, is change the physiological makeup of a Police Officer, any more than they have the ability to change the physiological makeup of somebody they encounter in the field. They also provide CIT Training and rely on mental health resources within Washington County. They try to call them in at the first sign of what they call, behavioral health. They try to get a mental health unit to respond. He explained that usually includes a Police Officer and a mental health clinician. He doesn't think that they will ever be able to completely eliminate the very unfortunate scenario that Ms. Zwingli described. All they can do is continue to make sure their Police Officers are trained how to respond to everybody. The hope is that they have a positive outcome far more often than they do a negative outcome. One thing that is important to remember, is when there is a weapon involved, it's incumbent upon the Officer to make sure that they communicate clearly and effectively.

The Chief stated that he understood Ms. Zwingli's concerns and wished that he had a better answer for her. They will continue to provide training to their Officers. He added that if people are talking about defunding the police in hopes to get more funds to other areas, then let's find that money, but don't take it away from the Police Departments that need it to train and equip their Officers with everything they can to try to make them be better. At the end of the day, it's just not going to work. He shared that he has been in this business too long and he knows what it costs to run a Police Department and to train Police Officers. It's just a constant challenge to get the training delivered that you want to get delivered.

Ms. Thornton stated that she agreed that it doesn't make sense to defund the Police Department. However, it seems like the Police Departments, over the years, have been inundated with more and more responsibility that are not in their wheelhouse. How do we make it better? Is it that Police Departments need to staff Counselors and Chaplains to go on calls with Police Officers, or what would be a solution? The Chief said that when he started his Law Enforcement career in 1989, it was rare that they would respond to a call involving a mental health issue. Generally, it was for someone who had walked away from a mental health facility, usually the State hospital in Wilsonville, at the time. Fast forward to today, a lot of those folks have been integrated into society. The way the system works has been changed. They are now encountering people in mental health crisis, routinely. In the course of 30 years, it went from the rare occasion to the common occurrence. He didn't have to worry about that when he was a Police Officer driving around a patrol car. Now, their Police Officers absolutely have to be trained to know how to recognize and appropriately deal with somebody who's in a mental health crisis. Things need to be different. They need to expand the mental health response team in Washington County and the Sheriff and Chiefs in Washington County have been discussing this. It's going to take money and he thinks Sherwood is ready to come to the

table with whatever they can. City Manager, Joe Gall, supports it. He can't speak for Council, but his sense is they would absolutely support it. If it means that they dedicate a body to the mental health response team and they have somebody on this end of the County that has a clinician in the car, he's ready and will be the first in line. Domestic abuse situations are different, because those are such dangerous calls, inherently, that they don't want to send a counselor in until they make sure that they make the peace and that everything is safe. He elaborated a bit on a local program that has made progress in assisting with these situations.

Councilor Griffin stated that he couldn't speak for all of the City Council, but in regards to what Ms. Zwingli said, his own personal knowledge of the Council's general consensus is that they are not generally in support of "Defunding the Police". That is not their intent, whatsoever. They want to make sure that the Sherwood Police Officers are trained and have the tools that they need to do the job and as the Chief mentioned, the whole job of policing the community has changed so drastically. He thoroughly supports training for the Officers and agreed that there would be no way an Officer could possibly be trained for every possible scenario that they would come up against in the field. If we don't have enough resources to support a mental health professional full time in our area, maybe we can do what we can to do our share and work with the County. He thought the Chief brought up some very good points. Police Officers, these days, have such amazing gear, technology and training, but there are still some scenarios that they're not completely trained for. He doesn't expect an Officer to be an expert in every possible human crisis that they come in contact with. But, what they are trained for is if they don't have an answer, at least they could have someone they could call.

6. Councilor News

Councilor Griffin welcomed Mr. Dorsey to the Police Advisory Board. He announced that at their last City Council meeting, they appointed five citizens, including Mr. Dorsey, to fill vacancies with the various boards and commissions.

At that meeting they also held their first public hearing on Ordinance 2020-009, Memorializing the Expectations of the Police Department and the Police Chief. This is something that the Chief and Mayor had worked on. This was to clearly set out the responsibility for policy and who's in charge. Basically, the chain of command in regards to the Police Department, the City, the City Council and the City Manager. This is available on the City website if anyone would like to review.

Councilor Griffin thanked Mr. West and Mr. Smith for being a part of the Traffic Safety Committee. He feels that it will make many of the citizens very happy to have somewhere to go to help resolve some of those types of issues. He commented on the kudos that Mr. Smith gave to the Engineering staff (Mr. Galati) for the work they do on the different traffic analyses and documentation, etc. He also believes in the work that they do and trusts them very much.

Councilor Griffin spoke of the traffic circle by Walmart and an incident that occurred the year before where a young person had been nicked while on a bicycle. After the incident, the City Council went to the City Manager and said that something needed to be done. As a result, City staff was assigned to work on it and a consultant was hired to do an assessment of the intersection. Some improvements have been approved and they are close to getting started on it. This has been made a priority. Bottom line, the Engineers reassessed the safety and even as is, it is still within the safety guidelines. They will do what they can to make it even more safe.

Councilor Griffin inquired about the process for reviewing the PD's policies, as he was wondering if the City Council will also be reviewing. The Chief replied that what will be coming to the City Council will be the updates and changes, after they have been reviewed by the Police Advisory Board.

Councilor Griffin suggested speaking with City Manager, Joe Gall, about the possibility of the City Council receiving some training. Perhaps they could meet at the Center for the Arts where there is more space for social distancing. He appreciated the Chief showing everyone the spit sock and liked the idea of learning more about the different devices that the Officers have and use. He stated that he would leave that to the Chief to work on with Mr. Gall.

Councilor Griffin shared that he appreciated being able to sit in for Councilor Young that evening. He felt that with everything being presented and the questions that the Board brought to the Chief, it was so transparent. He complimented the Chief for not shying away from any of the questions and stated that as a fellow citizen of Sherwood, he absolutely appreciates what they all do. He appreciated that Ms. Zwingli shared her fears and concerns. With all that was discussed that evening, it made him want to learn even more. He asked the Board to continue to ask the questions. He said that he learned a lot that evening that he didn't know before. He has read through the policy manual a few times, but when listening to the Chief actually explaining things, it was like gold.

Councilor Griffin wanted to let the Board know that the Chief had just been selected as the Chair for the Oregon Accreditation Alliance. He explained how he feels this helps Sherwood to stay up on things that are important to policing within the State of Oregon and added that the City has the benefit of the Chief's knowledge and experience.

Mr. Dorsey asked Councilor Griffin, with the recent fire events, he was wondering what the status was of the City's "My Call Now" notification system. He stated that the phone number listed on the City's website, went to the City's utility billing department. He said that he did some research and there are some other great notification systems that other small cities are using. He wondered, also, what would it take for the City of Sherwood to get on the map to reflect the air quality for our specific city. Mr. Dorsey shared the names of a few different systems that he'd looked into with Councilor Griffin. Councilor Griffin made notes and said that he would follow up with the City's IT Director and City Manager. Ms. Foster added that she believed one of the apps discussed was one that

Clackamas Fire used. They had suggested to check airnow.gov where you then enter in your zip code. It would then provide the info for that city. Ms. Zwingli added that there is also iqair.com. Councilor Griffin suggested contacting TVF&R to see if they might have a recommendation.

7. Staff Report(s)

N/A

8. Citizen Comment

N/A

Ms. Foster shared that she had seen Facebook posts from someone who the Chief had recently met with. She said the posts included photos and was very positive. Because the person had shared on social media, the positive outcome of the meeting was shared with many others. She thought it was important to share, since this was a citizen that he had met with since the last Police Advisory Board meeting. The Chief thanked her for sharing and stated that he had fun getting to meet the citizen. They had a great time and he went on to elaborate a bit more on that.

The Chief wanted to let whoever was watching and/or listening to the meeting know, that he is wired for relationships. That's how he functions and operates. He is all about relationships. He would much rather sit down and have a cup of coffee with someone than talk over the phone or in an e-mail. He also tries to build that culture within the Police Department. However, the COVID pandemic has not done them any favors. It is absolutely driving him crazy that they can't get out with the community right now and get to know them better. The combination of everything that is going on right now with policing and the pandemic makes it frustrating. His hope is that he can meet others from the community and thanked Ms. Foster for bringing that up.

Ms. Thornton commented on how important events like Coffee With a Cop are for the Police Department and hoped that they can figure out how they could still do this during the pandemic, suggesting face masks, etc. The Chief replied that once they get into Phase II, they will have more opportunities to do those types of things.

9. Adjourn (Chair)

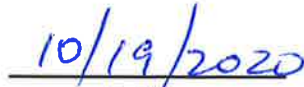
Mr. West moved to adjourn the meeting at 9:11 p.m. and Ms. Thornton seconded the motion. All board members voted in favor.

The next meeting is scheduled for October 15th at 7 p.m.

Approval of Minutes:



Chair Ralph Lohman

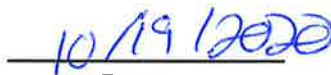


Date

Attest:



Angie Hass, Executive Assistant



Date

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the City of Sherwood Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The City of Sherwood Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Police Chief may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Police Chief may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Section Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Section Commander or supervisor of the involved employee to notify the Administration Section Commander of any incidents requiring board review. The involved employee's Section Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD

The Administration Section Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each section

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- Commanding officer in the involved member's chain of command
- Support Captain
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same section as the involved employee will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Police Chief will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Police Chief.

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The Police Chief shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Police Chief's final findings will be forwarded to the involved employee's Section Commander for review and appropriate action. If the Police Chief concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Police Chief.

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 POLICY

The City of Sherwood Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and agency training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed City of Sherwood Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

306.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

306.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Agency. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.

Handcuffing and Restraints

Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only agency-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Agency shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

Handcuffing and Restraints

- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

306.9 TRAINING

Subject to available resources, the Support Captain should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Agency.
- (b) Response to complaints of pain by restrained persons.

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- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the City of Sherwood Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Police Chief or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

308.4 RESPONSIBILITIES

308.4.1 WATCHCOMMANDER RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 RANGEMASTER RESPONSIBILITIES

The Support Captain shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Support Captain or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Control Devices and Techniques

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Support Captain for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

308.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Control Devices and Techniques

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Every member of the department that has been trained in the use and deployment of kinetic energy munitions shall carry such devices when on duty. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.

Control Devices and Techniques

- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Control Devices and Techniques

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.10 TRAINING FOR CONTROL DEVICES

The Support Captain shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified biennially.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.