



## AGENDA

### Police Advisory Board

<b>Date &amp; Time:</b>	Thursday - October 15, 2020 7:00pm
<b>Location:</b>	Pursuant to House Bill 4212 (2020), 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>
Brian Dorsey	Jeff Groth - Police Chief
Rich Miller	Angie Hass – Executive Assistant
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)
5. Business (Chair)
  - a. Police Policy Review-Policy Update Process Explained
6. Traffic Safety Update (Chair & TSC Liaisons)
7. Councilor News
8. Staff Report(s)
9. Citizen Comment

*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>	October 15, 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>
Brian Dorsey	Jeff Groth – Police Chief
Rich Miller	Angie Hass – Executive Assistant
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=6RjtR7XSm28&t=2440s>

### 1. Call to Order

Chair Lohman called the meeting to order at 7:03 p.m.

### 2. Roll Call

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

**Board Members Absent:** N/A

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

### 3. Approval of Minutes

**September 17, 2020 Meeting Minutes**

Mr. Silverforb moved that the September meeting minutes be approved as written. Mr. Smith seconded the motion and all Board Members voted in favor.

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

Mr. Dorsey shared an incident that had occurred over the weekend in his neighborhood. Several emergency vehicles went down their street during the early morning hours. He later learned that the incident involved some young folks. He was proud to see that Tualatin was there to help support the Sherwood PD, as the Sherwood PD had a lighter crew that evening. The Tualatin PD did a phenomenal job, talking to witnesses, etc. Mr. Dorsey had an opportunity to speak to the Tualatin Officers and stated that they spoke highly of the Sherwood PD and was told that Sherwood helps to support them as well. It was a beautiful thing to see the two agencies working so well together.

Mr. Dorsey stated that he and another Sherwood resident, Jimmy Goddard, recently had an opportunity to speak with the SPD staff to share a little bit about themselves and their stories. The biggest take away, for him, was that the SPD needs as much support from all of us, as we need from them. He said that it was a pleasure to meet the staff and that he and Mr. Goddard will be going back the next week to meet the rest of the department members. It was a great coming together.

Mr. Miller mentioned that with the holiday season approaching, he wanted to remind Chief Groth and Angie to reach out to not only his church, but the church community, as this is the time of year when people seem to have more needs than other times of the year.

Mr. Miller wanted to remind folks, if they are a person of faith, to be praying for our Officers. We have the election coming up and he's seeing some of the discord that we're experiencing as a society being elevated over the next three weeks. That means that some of our Officers are going to be more impacted by some of the activities. He hopes it doesn't happen in Sherwood, but asked that folks keep them in their prayers.

Mr. Silverforb shared that he had an opportunity to hear a presentation by Tigard Police Chief, Kathy McAlpine, the night before. He mentioned that his wife is a member of the American Association of University of Women, AAUW, and they had asked Chief McAlpine to be a speaker at their meeting. It was a good presentation and it was interesting to hear all that they're doing in Tigard. He wanted to share that Chief McAlpine gives regular talks called, Chats With the Chief, on Facebook. In a recent talk there were over 600 people listening to her. He didn't know if Chief Groth would ever want to do that, but it is available, if he did want to. Chief McAlpine said that they are requiring their Officers to take 40 hours of mental health training to learn how to deal with the different problems that people have. He stated that it was a great opportunity to hear what a city process is doing.

Mr. Silverforb said that he's read what some cities are doing to prepare for the possible protests, demonstrations, etc. on November 3<sup>rd</sup> and/or after the election. He was curious what Sherwood was doing for our Officers.

The Chief responded by saying that they keep their ear to the ground, so to speak, and listen to get any intelligence about anything that might be happening locally and then they plan accordingly. They always try to stay prepared by having appropriate staffing, making sure they have connections with other communities and resources. The goal is to never be caught off guard. At this point, he has no information and no reason to believe that there's anything unique or specific planned for Sherwood. As with any election, there's going to be people whose candidate won and there's going to be people whose candidate lost. Of course their hope is that when your candidate wins you celebrate as a good winner. When your candidate doesn't win, you take it in stride as a good loser. This is the message he's been sending out to the community via The Archer and also posted a message, generically, on the PD's Facebook page, asking people to just get along and show some compassion and humility. That being said, they will be ready if they receive any indication or any hint of something happening here in town.

Mr. Smith said that his experience while attending the FBI Citizens Academy Course has been an interesting one. The presentation scheduled for the next week is from a psychologist in Washington DC and the topic will be on serial killers.

Mr. Smith shared that he had received his ballot in the mail that day and that he would be dropping it off the next day. He wanted to remind everyone to be sure to vote.

Ms. Thornton shared with the group that she had recently taken her son and his friend into the PD to meet with K-9 Handler, Officer Corey Jentzsch, and his K-9 Irma. She commented that it was so educational for her and fun for her son. She suggested that with COVID and having to adjust PD events, maybe there could be somewhere that kids could come and watch Irma do some different things and kids could pet her, etc.

Mr. West stated that he lives in the same neighborhood as Mr. Dorsey and although they didn't wake up at 3 a.m. when all the first responders went down their street, when he opened his garage door at 6 a.m., there were lights flashing and yellow Caution tape in the street. He'd had an opportunity to speak to different neighbors about the incident. He reported that the Officers dealt with the kids and parents responsibly and appropriately. From what he'd been told, Sherwood had only two Officers on that evening and one of them was already dealing with a DUII. Clearly, with all that was going on in their neighborhood, Sherwood PD needed help. This incident gave him the opportunity to speak with his neighbors about Sherwood PD staffing and the relationship they have with the adjacent law enforcement units. He asked Mr. Dorsey if the Washington County Sheriff's Office was involved as well. Mr. Dorsey replied that it was just the Tualatin PD. Mr. West went on to share that he took that opportunity to let his neighbors know why another agency responded.

Mr. West appreciated Mr. Miller and Mr. Silverforb's comments regarding the upcoming election and said that there's going to be a lot of stress on all of us, but the frontline people need to be in our thoughts and prayers as they address whatever's going to happen, unfortunately.

Since a press release hadn't gone out about the incident that Mr. Dorsey and Mr. West spoke of, the Chief wanted to let the Board Members know what had occurred. He shared that there had been an underage party at a house in their neighborhood that evening. Around 2 or 3 in the morning, there was a conflict that arose among two attendees that ended in a stabbing. One pulled a knife and inflicted a non-life threatening injury on the other. All were underage juveniles.

He let Mr. West know that he appreciated him talking to his neighbors. The reality is that while these things are not nightly occurrences, they do happen. It is more frequent than they'd like to admit, where they have two Officers on and somebody gets a drunk driver or both Officers are dealing with a domestic disturbance and a call like this comes through. One of them will have to leave and then they rely on mutual aid. His concern, from a Police Chief perspective, is what if Tualatin was dealing with an incident of their own and/or if it's a busy night everywhere, there may not be help to show up. He added that this is not something that happens often and that's a good thing. However, it would only take that to happen one time for them to be in a pickle and for folks to be in a bad situation. This is why there is a commitment from the Budget Committee and City Council to increase their staffing. Their goal is to eliminate those times when there's only two people on. It will take some time, as it takes time to get people hired and trained. Currently, their minimum is two, so that is what they have to have on 24/7. He wanted to be very clear that they are not at a place where they need more than two for minimums. Although two is not a great number, it is sufficient enough of the time, that they do not need to go to three. They are probably not very far away from going to three. He went on to elaborate a bit more on this.

Mr. West asked when these things happen at 2 or 3 in the morning and there's a shift change at 6 a.m., does a Supervisor or another Officer get called in to start their shift early? The Chief explained that the On-Call Sergeant was called in early, suited up and drove in at 4 a.m. In some cases, they would call the next shift to come in early in order to handle other calls, etc. He said that the other thing to keep in mind is that not only do they need enough Officers to deal with the initial incident; they need to have Officers available to handle other calls coming in during that time. He added that in like fashion, the Sherwood PD helps other agencies when needed, such as Tualatin, Tigard, King City or Washington County. The mutual aid goes both ways.

Ms. Zwingli provided an update regarding the Tigard Officer who had been spat upon by a man who said that he had COVID. She personally knows the Officer and wanted to let everyone know that she is doing fine.

Ms. Zwingli let everyone know that the Sherwood Police Foundation still has yard signs showing support of the Sherwood PD, I ♥ My Sherwood Police. She asked folks to let her know if they would like one.

## 5. Business (Chair)

### a. Police Policy Review – Policy Update Process Explained

*Please see Exhibits A (PowerPoint Slides), B (E-mail Notification to Chief Groth from Lexipol) and C (Lexipol document showing the September 2020 Updates).*

Instead of reviewing policies that evening, the Chief wanted to share with the Board, the entire process for how the policy updates take place.

***The PowerPoint presentation begins at the 28-minute mark on the City of Sherwood YouTube video.***

In response to a question Mr. West asked regarding the frequency of the updates, the Chief explained that the normal Lexipol updates occur twice a year in June/July and December/January. Other updates happen “as needed” at any point during the year. The Chief provided examples of why this could occur.

The Chief stated that in some larger agencies, there is someone specifically assigned to keeping the policy manual updated, Program Managers, etc. In Sherwood, he is the one that is responsible for keeping the policy manual current.

In regards to the Update Process (page 7 of the PowerPoint), Mr. West asked if a Sergeant might go over updates during a briefing or is it strictly on the members of the department to review and acknowledge on-line. The Chief replied that it is on the members of the department. That is the best and most accountable system there is. They are expected to stay up to date and current on what the policy manual says.

Ms. Zwingli asked if the department members have a finite amount of time to get in and look at the updates and acknowledge them. The Chief stated that there is no defined, set time. They are expected to look through within their scheduled work shift over the course of a couple days. The Chief has the capability to log into Lexipol to see if staff have been reviewing and acknowledging the updates. Depending on everyone’s schedules, however, not everyone is going to have it done at the same time.

Ms. Thornton asked the Chief if he brought Lexipol to Sherwood and if using Lexipol is industry standard. The Chief stated that Lexipol has been around for, approximately, 15-20 years and shared that when he worked in Tualatin (13 years ago), they were using Lexipol. Lexipol is based in California and is used in several other states. It has gotten a pretty strong foothold in Oregon. However, he doesn’t believe Lexipol is used to the point that he would consider it an industry standard. He was comfortable saying that the language that they use and the policy that they develop is industry standard.

Chief Groth shared that when he first started working as Chief at the Sherwood PD in 2008, there was a “sit on the shelf” policy manual. It was a printed out, hard copy and a complete electronic copy was nowhere to be found. In addition, the manual that was being used was 12 years old. As it was so old, it was outdated and inadequate and it didn’t have the chapters that it should have had. As a matter of fact, some of the Officers were carrying use of force tools that weren’t even covered in policy. He soon realized that the manual was one once used in Tualatin, in 1996. It was purchased from an attorney who developed it and sold it to the different agencies. It was then up to the different agencies to add, subtract or update, as needed, etc. He then explained the process of switching over to Lexipol and all that was involved in customizing the policy manual specific to the Sherwood PD.

The Chief explained that beginning at the next month’s meeting, they will resume the reviewing of the different policies. He wanted to let everyone know that he was committed to not having a repeat of the previous month, where the review process took so long. It will take a little longer in the end, but they’ll get through it. He will try to do it in smaller bites.

## **6. Traffic Safety Update (Chair & TSC Liaisons)**

Mr. Smith shared that the committee has been busy. They have had several traffic issues come up for review. A stop sign has been approved by the committee to be installed in the Sherwood View Estates (at Whitney and Denali). It now has to go to the City Manager for final approval. A few requests have been turned down and a number of other issues are pending while additional data is being gathered, etc. It is a very interesting committee and he is enjoying it.

Mr. West mentioned that the approval of the stop sign took place after two different meetings and went on to explain what all was involved in the process. He added that several of the requests have been for areas involving pedestrian crossings. With construction still ongoing and the new high school not yet opened, some of those requests have been put on hold. It was decided to wait and see if the issues are still there after the construction is completed and school is back in session. It has been a good process. He would be interested to know if any feedback has been received from the people whose requests have been presented. He commended the City Council for setting this process up. He feels that they are helping the City to come up with good solutions to the problems.

Mr. Smith added that one of the hot spots right now seems to be the roundabout at Langer Farms Parkway. The committee will be talking about that in the future.

## **7. Councilor News**

Councilor Young said that she really loved that the PD uses Lexipol. That is an easy way to keep the policies up to date. It was a little scary learning that they were using a manual from 1996 in 2008.

She was glad to see that the Traffic Safety Committee is in place and taking off. The City Council has had some Work Sessions regarding the roundabout at Langer Farms Parkway, so it will be interesting to see what the Traffic Safety Committee says about that.

Councilor Young shared that the City Councilors have been attending the League of Oregon Cities Conference, online, over the last few days. This is normally an in person conference. There was a lot of work on diversity, equity, and inclusion. She also joined a broadband session and an economic development session. All three of these things are being worked on by the City Council right now.

The next Tuesday's Council meeting is a Work Session with CFM, their lobbyist. They will be going over the 2021 legislative agenda for the long session that begins in January. CFM will be letting them know what will be coming up and the City Council will let them know what they want them to be working on for them.

The discussion of allowing chickens in the City limits has come up, once again. Councilor Young said that even if the City does decide to allow chickens, a lot of the HOA's do not.

She echoed Mr. Smith's message and reminded all to get out and vote. There are local decisions to be made regarding City Council positions. Mayor Mays is running unopposed. There is a ballot measure in Sherwood, among other things.

Ms. Zwingli asked if chickens draw in rats. Councilor Young replied that she didn't know, but that this was a concern when this was brought up back in 2015. There were also concerns about smells and diseases. Ms. Zwingli stated that her and her neighbors have been talking about this as they have noticed that with all of the recent construction, there are a lot of rats these days. Councilor Young said that they would look into that. She also asked folks to e-mail the City Council with questions and feedback.

Mr. West stated that the good campaigners keep track of who has and hasn't voted. If folks want the phone calls and campaign ads to stop, all they have to do is vote.

In response to Ms. Zwingli's question, the Chief suggested that it might be the chicken food that draws in the rats, not the chickens themselves. He did add that he was not a fowl expert, however.

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

The Chief shared a bit more on part II of their Racial Justice Training that Mr. Dorsey helped to provide to the PD staff the day before. Part I included videos and a rather robust productive conversation as a department, a couple months prior. Part II included Mr. Dorsey and another gentleman, Jimmy. They spent an hour with half of the PD staff, talking about their experiences and racial justice, what policing is to them and giving the Officers a chance to have some



dialogue with them. It was a very effective training and it was received very well. The entire department has already gone through implicit bias training, as well. The rest of the department staff will go through the training with Mr. Dorsey and Mr. Goddard next week.

The Chief stated that the mental health training that Officers attend is called CIT, Crisis Intervention Training. Not every Officer, but several of the SPD Officers, have gone through that training. One of their Officers has had enough of the training that he is on the Washington County Mental Health Response Team (MHRT) on a backup basis. He explained that with the training consisting of 40 hours, that is a pretty big hit on an agency to try and get everybody through. There are shorter versions and they are trying to get as much training to their Officers as they possibly can. It equips them to know how to respond and to know how to deal with and navigate their way through folks that are facing mental challenges or disabilities of all sorts. It is a very effective training that focuses on crisis communication.

**9. Citizen Comment**

N/A

**10. Adjourn (Chair)**

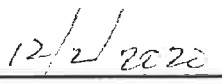
Ms. Zwingli moved to adjourn the meeting at 8:26 p.m. and Mr. Silverforb seconded the motion. All board members voted in favor.

**The next meeting is scheduled for November 19<sup>th</sup> at 7 p.m.**

Approval of Minutes:



Chair Ralph Lohman



Date

Attest:



Angie Hass, Executive Assistant



Date

Exhibit "A"

# POLICY UPDATE PROCESS

October 15, 2020

Sherwood Police Advisory Board

# Reminders



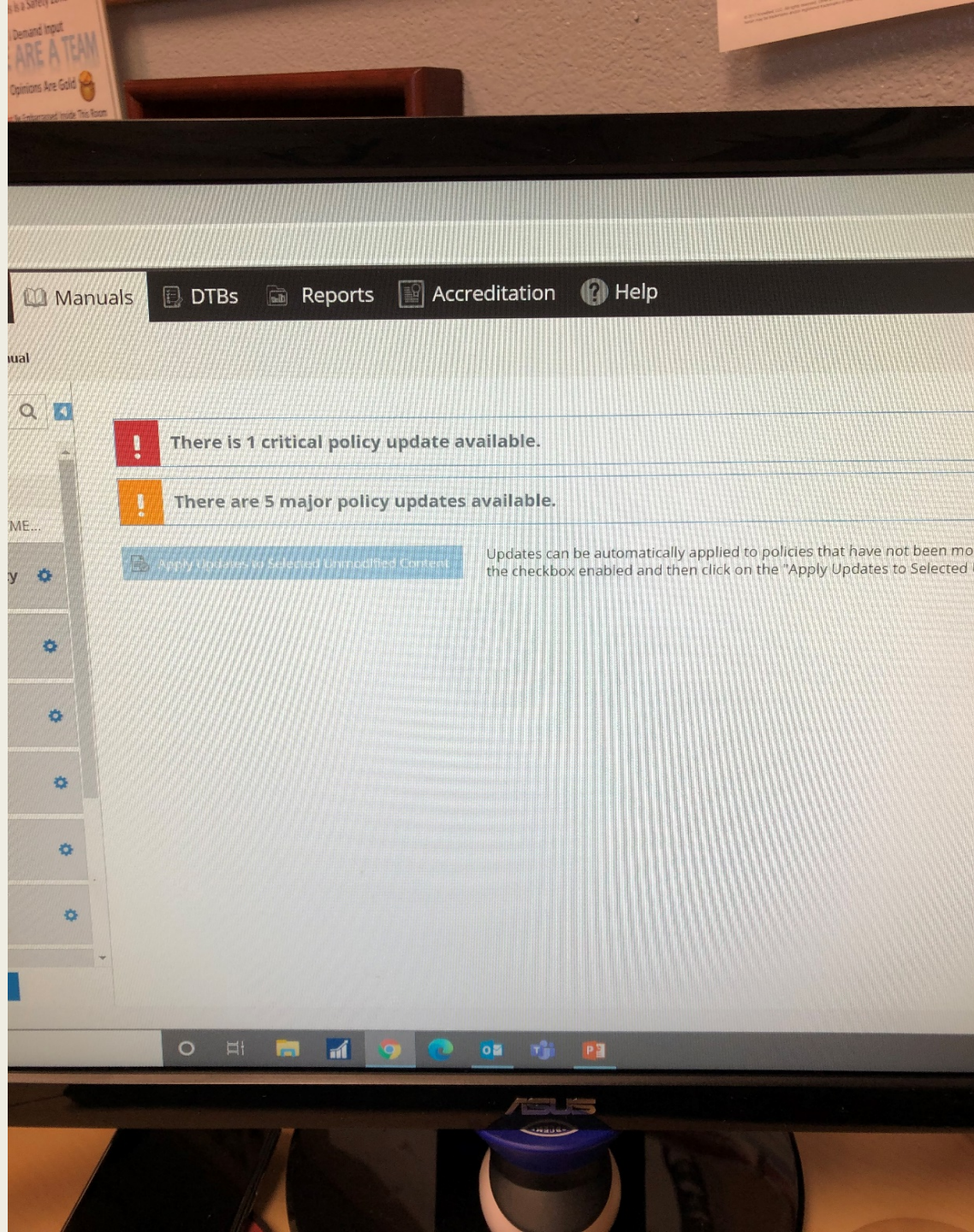
## ■ Lexipol

- *System, not binder*
- *Process is ongoing and never “completed”*
- *Policies that are constitutionally & legally sound*
- *Uses secure online platform*
- *Updated at least twice a year, and as needed based on legal changes*
- *Constantly researching, checking for changes in statute & case law both nationally and in Oregon*

# Update Process



- What Lexipol does;
  - Updates “released” to us
  - Email announcement (most recent copy in packet)
  - Release notes/explanations (most recent version included in packet)
  - Updates often include several grammatical and/or formatting corrections that are applied automatically
- What I do;
  - Review the release notes
  - Log in and either;
    - Accept the update in its entirety (simple update, no agency customization)
    - Reject the update because of customized agency language (i.e. Personal Appearance Standards)
    - Modify the update because of customized agency language (i.e. Personal Appearance Standards)







### There is 1 critical policy update available.

#### [300 Use of Force](#)

Release Notes: September 2020 This policy has been updated because legislative action impacts its content. The policy now states that the use of force impedes the normal breathing or blood circulation by applying pressure to the neck or throat in situation...



### There are 5 major policy updates available.



#### [1026 Personnel Records](#)

Release Notes: August 2020 This policy has been updated because legislative action impacts its content. The policy now states that the 4207 mandated that law enforcement agencies keep personnel records of sworn member... [more](#)



#### [1000 Recruitment and Selection](#)

Release Notes: August 2020 This policy has been updated because legislative action impacts its content. The policy now states that the 4207 mandated that law enforcement agencies request all perso... [more](#)

#### [308 Control Devices and Techniques](#)

Release Notes: August 2020 This policy has been updated because legislative action impacts its content. The policy now states that the 4208 limited the use of tear gas (e.g., OC, CS, CN, similar chemicals) administered by shell, cartridge, or exp... [more](#)

#### [340 Standards of Conduct](#)

Release Notes: August 2020 This policy has been updated because legislative action impacts its content. The policy now states that the 4205 defined misconduct, and created a new mandate for peace officers to prevent, sto... [more](#)

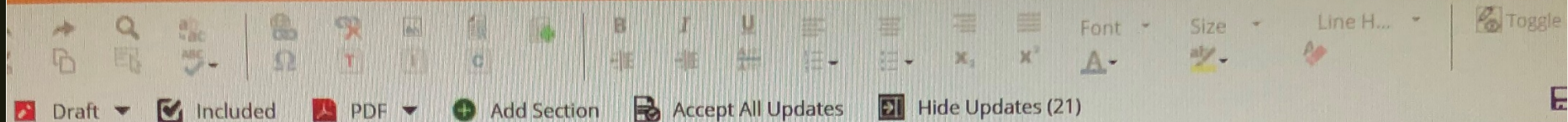


#### [612 Brady Material Disclosure](#)

Release Notes: September 2020 A review of this policy has resulted in updates to several sections. Changes include...







## Policy 300

### Use of Force

#### 300.1 PURPOSE AND SCOPE

Best Practice

1. This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

Compare Content

Accept Update

Reject Update

#### PURPOSE AND SCOPE

Best Practice

1. ~~This~~ This policy provides guidelines on the reasonable force. While there is no way to specify the exact amount reasonable force to be applied in any situation, every me this ~~department~~ agency is expected to use these guidelin make such decisions in a professional, impartial, and rea manner.

In addition to those methods, techniques, and tools set f below, the guidelines for the reasonable application of fo contained in this policy shall apply to all policies addressi potential use of force, including but not limited to the Co Devices and Techniques and Conducted Energy Device p

#### 300.1.1 DEFINITIONS

Best Practice

#### DEFINITIONS

Federal





# Update Process



- Once the update process is completed, the manual is updated and released to department members via email
- Once released, department members are required to log into the policy manual, read and acknowledge the updated policies
- Policy manual is available on desktop and via mobile application on cell phones





# Questions?

**From:** Lexipol Advisories <advisories@lexipol.com>  
**Sent:** Tuesday, September 22, 2020 3:01 PM  
**To:** Jeff Groth  
**Subject:** Important policy updates for Oregon law enforcement agencies

**Exhibit "B"**

**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.



### Oregon Law Enforcement Policy Updates

An important set of updates to your policy manual is now available. These updates address new legislation and changes in best practices.

The primary mission of Lexipol is to provide law enforcement agencies with direction through constitutionally sound policies, training, and information. Incumbent upon every law enforcement agency is the mission to support community safety while respecting individual rights. By providing a product that is legally sound and reflects best practices across the nation, Lexipol has placed its clients in the best position to fulfill their duties better and more safely. A key component of this process is Lexipol's commitment to continuous improvement. The process has always included diligent review of local, state, and federal statutes and case law to identify and develop best practices. The events of the preceding months, while far reaching in scale, have led to no less diligent a review.

After thoughtful deliberation over these topics and in light of the passage of 2020 OR HB 4301 and 2020 OR HB 4205, the **Use of Force Policy** language has been substantially updated. Among the several changes below are significant revisions to the guidance on carotid control holds. Lexipol is providing a policy option for agencies choosing to limit the use of the carotid control hold to circumstances in which deadly force is authorized. While medical research does not support categorizing a properly applied carotid control hold as lethal force, determining the best practice for agencies involves careful consideration of evolving state and federal law as well as relevant national conversations that impact the realities law enforcement officers face in all aspects of their profession. There are jurisdictions in which this technique is entirely prohibited, criminalized, or limited to deadly force as well as confusion on the layperson's level of understanding between respiratory and vascular restraints. The best practice policy for carotid control holds section has been accordingly updated. Please refer to the Guide Sheet if the technique is not permitted in your specific agency or there are training limitations.

Highlights of the changes to **Use of Force** include:

- **DEFINITIONS** has been updated with additional terms to enhance understanding of this policy, and the Edit Level has been changed from "Best Practice" to "Federal."

- **DUTY TO INTERCEDE** has been renamed **DUTY TO INTERCEDE AND REPORT**, and content has been updated pursuant to 2020 OR HB 4205 to require an officer to intervene in and report situations where another law enforcement officer or a member is using unreasonable force.
- **STATE REPORTING REQUIREMENT** has been added as a subsection in **POLICY** to require a report of excessive force be made to a supervisor no later than 72 hours after the misconduct was witnessed.
- **PERSPECTIVE** has been added as a new subsection in **POLICY** to provide guidance for law enforcement officers in situations involving use of force.
- **USE OF FORCE – TO EFFECT AN ARREST** has been renamed **USE OF FORCE – JUSTIFICATION** to better reflect the contents of the subsection.
- **CAROTID CONTROL HOLD** has been updated to limit the technique to instances where deadly force is authorized, to require monitoring individuals during application of the hold, and to provide guidance as to when the hold should be discontinued.
- **ALTERNATIVE TACTICS - DE-ESCALATION** has been added as a new subsection in **USE OF FORCE** to require consideration and utilization of tactics prior to or at the incident that would reduce the need for force.
- **DEADLY FORCE APPLICATIONS** has been updated to require warnings and identification, when reasonable, prior to the use of deadly force.
- **SHOOTING AT OR FROM MOVING VEHICLES** has been renamed **MOVING VEHICLES**, and the content has been updated for clarity.
- **REPORTING THE USE OF FORCE** has been updated for clarity and to direct readers to other policies that may require related reports.
- **NOTIFICATION TO SUPERVISOR** has been renamed **NOTIFICATIONS TO SUPERVISORS**, and content has been updated to require that a supervisor be notified when any individual alleges unreasonable force by an officer.
- **MEDICAL CONSIDERATION** has been renamed **MEDICAL CONSIDERATIONS**, and content has been updated to emphasize the importance of an individual's physical positioning while restrained.
- **SUPERVISOR RESPONSIBILITY** has been renamed **SUPERVISOR RESPONSIBILITIES**, and content has been updated for clarification and consistency with the rest of this policy.
- Additional requirements have been added to **TRAINING**.

Separate from the substantial update to Use of Force, additional changes include:

- **Brady Material Disclosure** has been updated to add best-practice guidance and to provide more precise examples of investigative information that are considered confidential or privileged.

Lexipol law enforcement professionals and attorneys specializing in public safety law have thoroughly researched and reviewed these updates. It is highly recommended you review and process them to protect your agency.

A [list and complete description](#) of this update is available along with [instructions](#) and an informational [video](#) on processing updates. If you subscribe to Lexipol Management Services, your Project Manager will begin processing your update and contact you soon for final approval.

For any questions or if you would like information on our cost-effective solution for managing your policy updates, please contact me.

## **Oregon Law Enforcement Manual Updates September 2020**

Lexipol legal and public safety experts monitor changing legislation and industry trends and provide you with updated policy content as appropriate.

The information below details the updates now available to your policy manual. We highly recommend you review these updates and process them within Lexipol's Knowledge Management System (KMS).

Lexipol offers [step-by-step instructions](#) and an informational [video](#) for getting updated policy content into your manual. If you subscribe to Lexipol Management Services, your Project Manager will begin processing your updates and contact you soon for final approval.

**Please note:** Most policies are receiving updates to remove index terms because the index term function has been replaced by the KMS Manual Text Search feature. Accepting all the updates will accomplish this removal. If your agency has customized affected sections/subsections (indicated by a "Modified" label next to the section/subsection edit level label), you will need to delete the index terms manually during the update process, so that customized content is not changed.

**Please note:** Serial commas have been added in most policies to improve clarity and correspond with current industry best practices for legal writing. To learn more about this change, please see [this Lexipol information bulletin](#).

There may be some sections/subsections that show an update flag but are not reflected in the Release Notes and do not appear to be changed or appear to be the deletion/addition of text entities. This is due to internal system corrections that do not affect policy content. You should accept these updates unless you have customized the section/subsection, in which case you may want to reject or edit the update to preserve your customization.

If you have questions about updating your manual, please contact Customer Service at 949.309.3894 or [customersupport@lexipol.com](mailto:customersupport@lexipol.com).

New Daily Training Bulletins (DTBs) are released specifically to target new policies and changes to your manual and can help your staff become well-versed in your policies. If you are not yet subscribing to the DTBs, please contact Customer Service for information on how to get this invaluable tool.

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### **Legal Disclaimer**

Lexipol strives to provide the most current and legally sound policies possible. These policies and updates, however, do not constitute legal advice. As always, you are urged to carefully review all content and updates for applicability to your agency and check with your agency's legal advisor for appropriate legal review before changing or adopting any policy.

## Chapter 3 – General Operations

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### Use of Force

This policy has been updated because legislative action impacts its content. 2020 OR HB 4301 clarifies that a peace officer may use physical force that impedes the normal breathing or blood circulation by applying pressure to the neck or throat in situations where the use of such force is objectively reasonable. Nonetheless, this policy restricts the use of carotid holds to situations where the use of deadly force is justifiable. While this policy addresses carotid holds, it does not include the use of chokeholds or respiratory restraints. These techniques are not recognized by Lexipol as a best practice for the use of force.

2020 OR HB 4205 created a new mandate for peace officers and reserve officers who witness certain types of misconduct from other officers to intervene and report the misconduct to a supervisor.

Best practices for this policy have also been revised. The national discussion regarding use of force involves a variety of topics, perspectives, and laws across the country. It is Lexipol's commitment to continuous improvement that mandates comprehensive consideration of all of these factors to provide a policy that is legally sound and reflects best practices in order for agencies to fulfill their duties better and more safely.

Among the several changes below are significant revisions to the guidance on carotid control holds. Lexipol is providing a policy option for agencies choosing to limit the use of the carotid control hold to circumstances in which deadly force is authorized. While medical research does not support categorizing a properly applied carotid control hold as lethal force, determining the best practice for agencies involves careful consideration of evolving state and federal law as well as relevant national conversations that impact the realities law enforcement officers face in all aspects of their profession. There are jurisdictions in which this technique is entirely prohibited, criminalized, or limited to deadly force as well as confusion on the layperson's level of understanding between respiratory and vascular restraints. The best practice policy for carotid control holds section has been accordingly updated. Please refer to the Guide Sheet if the technique is not permitted in your specific agency or there are training limitations. Changes to this policy include:

- In **PURPOSE AND SCOPE**, content has been added to better convey the application of use of force relative to other policies.
- **DEFINITIONS** has been updated with additional terms to enhance understanding of this policy, and the Edit Level has been changed from "Best Practice" to "Federal."
- Punctuation and a text entity have been corrected in **POLICY**.
- **DUTY TO INTERCEDE** has been renamed **DUTY TO INTERCEDE AND REPORT**, and content has been updated pursuant to 2020 OR HB 4205 to require an officer to intervene in and report situations where another law enforcement officer or a member is using unreasonable force.
- **STATE REPORTING REQUIREMENT** has been added as a subsection in **POLICY** to require a report of excessive force be made to a supervisor no later than 72 hours after the misconduct was witnessed.
- **PERSPECTIVE** has been added as a new subsection in **POLICY** to provide guidance for officers who are deciding whether to intervene, namely, to account for the fact that other involved

officers may have a different perspective based on additional information or based on each officer's individual assessment of the ongoing situation.

- In **USE OF FORCE**, grammar and a text entity have been corrected.
- **USE OF FORCE – TO EFFECT AN ARREST** has been renamed **USE OF FORCE – JUSTIFICATION** to better reflect the contents of the subsection.
- **FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE** has been updated to add clarifying language.
- **PAIN COMPLIANCE TECHNIQUES** has been updated for consistency with the rest of this policy.
- **CAROTID CONTROL HOLD** has been updated to limit the technique to instances where deadly force is authorized, to require monitoring individuals during application of the hold, and to provide guidance as to when the hold should be discontinued.
- **ALTERNATIVE TACTICS - DE-ESCALATION** has been added as a new subsection in **USE OF FORCE** to require consideration and utilization of tactics prior to or at the incident that would reduce the need for force. KMS automatically adds all new subsections to the bottom of the section, so as not to alter any agency-specific customization. To move the new subsection to the location Lexipol recommends (above **USE OF FORCE - JUSTIFICATION**), first, accept all updates. Then, while in the edit mode, hold the cursor over **ALTERNATIVE TACTICS - DE-ESCALATION**, right-click for options, and select the option "Move." The subsection titles will appear. Select **USE OF FORCE - JUSTIFICATION** and click "Move" once more. You will be prompted to select "Move Above" or "Move Below." Select "Move Above." KMS will refresh, the new subsection will be in the correct location, and the other subsections will be renumbered accordingly. Your agency can also accept all updates without relocating the subsection, but that is not recommended.
- **DEADLY FORCE APPLICATIONS** has been updated to require warnings and identification, when reasonable, prior to the use of deadly force, and the Edit Level has been changed from "State" to "Federal."
- **SHOOTING AT OR FROM MOVING VEHICLES** has been renamed **MOVING VEHICLES**, and the content has been updated for clarity.
- **REPORTING THE USE OF FORCE** has been updated for clarity and to direct readers to other policies that may require related reports.
- **NOTIFICATION TO SUPERVISOR** has been renamed **NOTIFICATIONS TO SUPERVISORS**, and content has been updated to require that a supervisor be notified when any individual alleges unreasonable force by an officer.
- **MEDICAL CONSIDERATION** has been renamed **MEDICAL CONSIDERATIONS**, and content has been updated to clarify that medical assistance should be provided as soon as it is reasonably safe to do so. Additional guidance has been included to specify that individuals should not be placed on their stomach for an extended period of time, and to direct readers to another policy for further guidelines.
- **SUPERVISOR RESPONSIBILITY** has been renamed **SUPERVISOR RESPONSIBILITIES**, and content has been updated for clarification and consistency with the rest of this policy.
- In **TRAINING**, requirements to train on de-escalation and alternative tactics have been added, subject to agency resources.
- Serial commas have been added in updated sections.

## Chapter 6 – Investigation Operations

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## Brady Material Disclosure

A review of this policy has resulted in updates to several sections. Changes include:

- **DISCLOSURE OF INVESTIGATIVE INFORMATION** has been updated to clarify examples of investigative information that are considered confidential or privileged, and the personnel files example has been deleted because these files are addressed in other sections of this policy.
- **BRADY PROCESS** has been added as best-practice guidelines for a member to coordinate requests for Brady information. KMS automatically adds all new sections to the bottom of the policy, so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **DISCLOSURE OF INVESTIGATIVE INFORMATION**), first, accept all updates. Then, while in the edit mode, hold the cursor over **BRADY PROCESS**, right-click for options, and select the option "Move." The section titles will appear. Select **DISCLOSURE OF INVESTIGATIVE INFORMATION** and click "Move" once more. You will be prompted to select "Position Above" or "Position Below." Select "Position Below." KMS will refresh and the new section will be in the correct location and the other sections will be renumbered accordingly. Your agency can also accept all updates without relocating the section, but that is not recommended.
- **DISCLOSURE OF PERSONAL INFORMATION** has been renamed **DISCLOSURE OF REQUESTED INFORMATION** to better reflect the content, punctuation has been corrected, and content that has been added to **BRADY PROCESS** has been removed.