



# AGENDA

## \*AMENDED\*

11/18/2020



### Police Advisory Board

<b>Date &amp; Time:</b>	Thursday - November 19, 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-Review Latest Updates: #'s 107, 300, 308, 340, 612, 1000, 1016 & 1026
6. Traffic Safety Update (Chair & TSC Liaisons)
  - a. Resolution Establishing Acceptable Traffic Calming Measures
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>	November 19, 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=SLrbx4AZO9I&t=9s>

### 1. Call to Order

Chair Lohman called the meeting to order at 7:01 p.m.

### 2. Roll Call

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

**Board Members Absent:** Brian Dorsey

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

### 3. Approval of Minutes

**October 15, 2020 Meeting Minutes**

Mr. Silverforb moved that the October meeting minutes be approved as written. Ms. Zwingli seconded the motion and all present Board Members voted in favor.

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

Mr. Silverforb was happy to announce that the new stop sign at Whitney and Denali (recently approved by the Traffic Safety Committee), is up and healthy and is still standing. He goes that way just about every day.

A couple months back, information was sent to him regarding a program by Emmanuel Acho titled, "Uncomfortable Conversations with a Black Man". In these programs, Emmanuel interviews a new person every other week, or so. Some that he has seen are with Matthew McConaughey and Roger Goodell, Commissioner of the NFL. The one in particular that he was recommending was with Police Officers from the Petaluma, CA Police Department. He highly recommended that the Board Members check it out and stated that it would be well worth their time. The video is approximately 20 minutes long. Emmanuel is a CNN announcer and a former NFL football player. Mr. Silverforb said Emmanuel does a terrific job and has also just come out with a great book titled, "Uncomfortable Conversations with a Black Man". Mr. Silverforb will send the information to the Chief and/or Angie and they will forward on to the Board Members.

Mr. West has been doing some consulting work with the City of Tigard and in preparing for that work, he learned that the City of Tigard has a Public Safety Advisory Board. They have created this board to begin reviewing public safety practices. In part, it will be similar to what they (the Police Advisory Board) do, like reviewing police procedures with Chief Groth, etc. The difference is that they will be working with some of the other City departments as well. It is all linked to the City's Anti-Racism Action Plan. He wanted to mention this as they will be dealing with some of the same issues that the City of Sherwood's Police Advisory Board will be dealing with.

Mr. West shared an incident that he and his wife had witnessed while walking in Old Town Sherwood that past Saturday.

The Chief provided some more details and said that what they had witnessed was part of a high-speed pursuit that began in Clackamas County. Earlier that morning, a car had been reported stolen in Happy Valley. An hour or so after it was stolen, a Clackamas County Deputy came across the car on Ladd Hill Road. A pursuit then ensued and unfortunately they pursued the suspect right into Old Town. There were two Sherwood Officers on at that time and they attempted to inform Dispatch that they would not be engaging in the pursuit. There were issues with communicating through the different radio channels and he wasn't sure if they were able to get through to Dispatch to let them know. The suspect crashed into a vehicle during the process and the Sherwood Officers stopped to assist. Shortly after that, the suspect crashed into a stop sign at 1<sup>st</sup> and Ash and that ended the pursuit. It was fortunate that no one got hurt. The suspect was taken into custody by the Clackamas County Deputies.

Ms. Zwingli stated that they had just held a Sherwood Police Foundation meeting and she wanted to let everyone know that they are looking at alternate ways of putting on their fundraising gala this year so that they can continue to support the Sherwood Police Department. Nothing has been set yet, but asked the Board Members to keep an eye out.

Chair Lohman said that during a recent conversation with Ms. Zwingli, the subject of the December meeting had come up. In years past, the tradition has been to not have a December meeting. The Chief said that part of the reason for that was due to the meetings being close to the Christmas holiday. However, the main reason was because the Annual Boards and Commissions Dinners are held in December. The dinner will not be taking place this year, for obvious reasons. This year, the City Council will be having a virtual meeting where the different Boards and Commissions will be presenting their end of the year reports. He let the Board Members know that the exact meeting date has not yet been set, but will most likely be in January. After some discussion, it was decided to keep the December meeting date of 12/17, as this is when they will complete the SWOT for 2020 to be presented to the City Council in January. Mr. West made a formal motion to meet on December 17<sup>th</sup> and Vice Chair Foster seconded the motion. All Board Members voted in favor.

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

### **a. Police Policy Review – Review Latest Updates: 107, 300, 308, 340, 612, 1000, 1016 & 1026 (Exhibit A)**

The Chief went over the most recently updated policies with the Board Members. He stated that it took him approximately five hours, or so, to get through them. (***This review is captured in the YouTube recorded meeting at the 22 minute mark.***)

He noted that the policies are still in “draft” as they will need to be reviewed and approved by the Police Advisory Board Members, as well as the City Council, before finalized. Once that is done, the policies will be released and formalized in the PD's policies system. Mr. West asked if these updates were the result of the last legislative session. The Chief stated that was correct.

Specific updated policies that the Chief pointed out were: 107.3-Police Chief Requirements, 300.3.5-Choke Holds, 300.2.1-Duty to Intercede and Report, 308.6 and 308.7- Tear Gas and Crowd Control Guidelines, 340.4.1-Duty to Intervene and Report Misconduct, 612.3-Brady Process, 1000-Recruitment and Selection, 1016.4 e – Exposure Prevention and Mitigation, General Precautions, 1026-Personnel Records.

Mr. West said that he believed this was the first time the Board was being asked to recommend that the City Council approve policy changes and asked the Chief if this was correct. The Chief replied that under the new, formal process, that was correct. He added

that he had brought policy updates to the Board a few months ago, but the formal process was not yet in place. Mr. West said that he appreciated the opportunity to go through the policies that evening. He proceeded to make a motion that the Board approve the policy updates, as presented, and recommend that the City Council approve them too. Ms. Thornton seconded the motion and all present Board Members approved.

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

### **a. Resolution Establishing Acceptable Traffic Calming Measures (Exhibits B, C & D)**

Chair Lohman confirmed with the Chief that they are looking at Resolution 2020-XXX. The Chief replied that was correct.

As he is one of the liaisons, Mr. Smith provided a recap of the October 22<sup>nd</sup> Traffic Safety Committee (TSC) Meeting. He reported that all Committee Members were present, with the exception of Mr. West.

At the meeting, Ms. Julia Hajduk provided an update (PowerPoint presentation) on the two lane roundabout by Walmart, located on Langer Farms Parkway. The current plan is for it to be re-striped to be a single lane roundabout, rather than the two-lane roundabout that it currently is. The two lanes seems to be confusing to everybody, however, it may go back to a two lane, sometime in the future. The total cost will be approximately \$70,000. It sounds like a lot, but that includes engineering, lighting, design, bid costs, etc. This project has a January – March time frame. Ms. Thornton commented on the cost amount and wondered if focusing more on education would be a better route to go. Mr. Smith stated that the cost amount was also raised at the TSC meeting. Mr. Bob Galati, did a really great job explaining everything that goes into making those changes. A discussion then ensued.

Mr. Smith reported that the TSC currently has four pending issues awaiting additional data collection. Some of those requests include a flashing pedestrian crossing light at the crosswalks located on Sunset at Woodhaven and Timbrel, and two additional stop signs at Villa, Wildlife Haven and Villa streets. One of the requests, that received a lot of discussion, was on Lavender Place where there seems to be some tension between neighbors regarding parking. The Committee is waiting to receive some more research from Mr. Galati, before making any decisions. There is also a request for a pedestrian button to be installed at Sunset and Woodhaven, for pedestrians to activate when crossing Sunset.

As the TSC November meeting date falls on Thanksgiving and the December meeting falls on Christmas Eve, the Committee set the next meeting date for December 10<sup>th</sup>.

Chair Lohman and Ms. Foster offered comments and expressed their concerns regarding the roundabout that just went in by the new Sherwood High School.

The Chief stated that one of the main items the TSC has had to tackle is the need to establish a list of acceptable traffic calming measures. Over the last couple of months, they have had quite a bit of conversation and a lot of education from the City Engineer, Dr. Mojie Takallou and other City staff, including Julia Hajduk, regarding this. City staff has prepared a resolution to bring to Council establishing acceptable traffic calming measures that the TSC approved at their last meeting. The Chief said that the reason these updates are being provided to the PAB, is because the PAB was instrumental in getting the TSC up and going. In addition, two members of the PAB are the liaisons for the TSC. It is important that the PAB see the work that the TSC is doing. The Chief then proceeded to go over the list that was provided in their meeting packets (Exhibit C). He pointed out that speed “bump” is not on the list. Speed cushions and humps are, however, as they are significantly different. This will be presented to the City Council at their December 1<sup>st</sup> meeting.

The Chief informed the PAB Members that if they hadn’t yet watched any of the TSC meetings, or visited with either of the liaisons, the TSC is extremely busy. They are quickly being inundated with requests and complaints, which they are addressing. He added that the TSC is quickly learning how passionate people are about traffic related matters. They are doing tremendous work.

As he wasn’t in attendance at the October TSC meeting, Mr. West asked why signage wasn’t included in the list of approved traffic calming measures. The Chief said that he could only assume that signage wasn’t considered a traffic calming measure. Mr. Smith stated that Mr. West was correct that signage had been discussed in the past, but he couldn’t recall if it was discussed at the October meeting. Councilor Young stated that if it is was meant to be on the list, it can always be added at a later date.

## **7. Councilor News**

Chair Lohman congratulated Councilor Young on her being re-elected to continue serving on the Sherwood City Council. He said that the PAB is very glad to have her as part of their Board. Councilor Young thanked Chair Lohman for the acknowledgement and said that she will be serving another four years. She thanked the Sherwood community for that, as well. She added that all three sitting councilors were re-elected and hoped that meant that the community thinks that the City Council is doing a good job.

Councilor Young shared that the City Council had a long Work Session that past Tuesday, beginning at 5:30 p.m. Three subjects were discussed, including taking another look at Sherwood West, adding a Sherwood North UGB possible expansion and a Housing Needs and Analysis for their Comprehensive Plan Update.

The City has received a grant to look at the Concept Plan for Sherwood West. The original Concept Plan was completed in approximately 2015. At that time, the Concept Plan was heavily based on Residential. The current City Council is really focused on economic development to

help balance the tax base a little more. There are some prime areas in Sherwood West that could be Industrial or Commercial, in addition to Residential. So, they are just taking another look to see how they can bring more jobs into that area.

In regards to Sherwood North, the City has been approached by Deacon Construction about the area just north of The Home Depot and across the street, next to the Wildlife Refuge. They are looking into the possibility of putting in more commercial, retail type space with an anchor store by The Home Depot. By the Wildlife Refuge, they are looking at more office or hotel type structures. This would involve a special type of UGB request. Deacon Construction is currently doing some outreach to the community. Information will be put on the City of Sherwood's website and they will possibly be pushing out a survey.

The City Council will be meeting with Metro on the upcoming Tuesday (11/24). Metro is looking at increasing the Tipping Fee, which would get passed through to Pride, which would then be pushed through to the residents. The City Council will be asking lots of questions such as why this is necessary, etc.

As the measure passed for having recreational marijuana in Sherwood, they will be updating the Municipal Code in December, to add that in.

Also in December, the Council will be having a Work Session with Tri-Met to discuss their routes and possible changes that they may be looking at. The Council will be discussing their concerns and things that they may possibly want to see changed with the routes in Sherwood.

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

The Chief shared how the Governor's new Executive Order, that took effect the day before, would be impacting the SPD. He said that they will continue as they have, all summer, since COVID started, to take an educational approach to enforcement. They will only take enforcement action in only the most egregious, flagrant violations of any Executive Order. He added that this approach is not different from before.

Mr. West asked the Chief if a Reserve Officer position had recently been posted. The Chief replied that was correct and Mr. West asked him if he could share a bit about the role of a Reserve Police Officer, such whether or not they are compensated, etc. The Chief replied that Reserve Police Officers are volunteers and they fit into one of multiple categories. They may start out as a Reserve in hopes of becoming a full-time Police Officer at some point. They may just want to give back to their community, etc. Once they've completed the necessary training, they'll wear a uniform and carry a gun, but they will always be in the presence of another Officer. They will not be out driving around by themselves in Sherwood.

Mr. Smith asked Councilor Young about the construction taking place at 124<sup>th</sup> and Tualatin-Sherwood Road. He thought it was interesting that, with all of the construction going on, there

was still one house just sitting in the middle of it all. He wondered if there was a story to that. As Councilor Young wasn't sure, the Chief stated that he believed it just hadn't been leveled yet. That entire chunk of property is being developed by Trammel Crow and his assumption was that they just hadn't brought the house down yet. The Chief added that 124<sup>th</sup> Street is the dividing road between Sherwood and Tualatin now.

Mr. Silverforb said that with the discussion of the project on 124<sup>th</sup>, it might be a good idea to invite Bruce Coleman, the Economic Development Manager for the City of Sherwood, to one of their meetings. Perhaps he could provide a brief presentation on what's happening out there. He had talked to Mr. Coleman, recently, on what the plans are and what he's working on and thought everybody would probably appreciate hearing from him. Several of the Board Members that were familiar with Mr. Coleman thought that was a great idea. Chair Lohman asked the Chief if he could put Mr. Coleman on the invite list. The Chief said they will work on inviting him to the December 17<sup>th</sup> meeting.

**9. Citizen Comment**


N/A

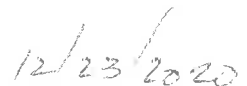
**10. Adjourn (Chair)**

Mr. Silverforb moved to adjourn the meeting at 8:37 p.m. and Ms. Zwingli seconded the motion. All Board Members voted in favor.

**The next meeting is scheduled for December 17<sup>th</sup> at 7 p.m.**

Approval of Minutes:

  
\_\_\_\_\_  
Chair Ralph Lohman

  
\_\_\_\_\_  
Date

Attest:

  
\_\_\_\_\_  
Angie Hass, Executive Assistant

  
\_\_\_\_\_  
Date



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# Chief Executive Officer

## **107.1 PURPOSE AND SCOPE**

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

## **107.2 POLICY**

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

## **107.3 POLICE CHIEF REQUIREMENTS**

The Police Chief of this department, as a condition of employment, should have, within twelve (12) months of appointment, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST).

## Use of Force

### 300.1 PURPOSE AND SCOPE

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 agency is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

### 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations, and the value and sanctity of human life. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value, dignity and sanctity of all human life without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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It is our policy to use de-escalation tactics whenever possible and to use force only as a last resort. It is our intent to make every attempt to defend ourselves and others without causing harm.

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (2020 Oregon Laws, c.5, § 2).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (2020 Oregon Laws, c.5, § 2).

#### **300.2.2 STATE REPORTING REQUIREMENTS**

A report of another member using excessive force must be made to a supervisor no later than 72 hours after the misconduct was witnessed (2020 Oregon Laws, c.5, § 2).

#### **300.2.3 PERSPECTIVE**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

### **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this agency. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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#### 300.3.1 USE OF FORCE - JUSTIFICATION

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (ORS 161.235):

- (a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or
- (b) For self-defense or to defend a third person from what the officer reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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#### 300.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

#### 300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.3.5 CHOKE HOLDS

Choke holds and neck restraints of any kind that are designed and/or intended to restrict the flow of air or blood have a de-humanizing affect on people and high potential for injury. Therefore, the intentional use and/or application of the carotid control hold, or any similar choke hold or neck restraint of any kind that is designed and/or intended to restrict the flow of air or blood is prohibited, except when deadly force is justified.

#### 300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the City of Sherwood Police Department for this specific purpose.

### **300.4 DEADLY FORCE APPLICATIONS**

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the [officer\_deputy] has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

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- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

#### **300.4.1 MOVING VEHICLES**

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. All use of force reports will be reviewed by command staff up to and including the Police Chief.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department also requires the completion of additional report forms, as specified in department policy, procedure or law.

#### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.

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- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

#### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

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### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.



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#### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

#### **300.9 ANNUAL REVIEW**

Each January the Patrol Section Commander will ensure that an annual review is conducted of all Use of Force Reports from the previous calendar year. The review will be analyzed to focus on the effectiveness and trends regarding the use of force and any identified deficiencies in training or policy will be addressed. The review will not include any specific case numbers, occurrence locations or names of citizens or officers.

#### **300.10 USE OF FORCE ANALYSIS**

At least annually, the Patrol Section Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Police Chief. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

# 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. The Police Chief may also authorize other positions or individual Agency members to use specific control devices.

## 308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

Only officers who have successfully completed agency-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.

## 308.4 RESPONSIBILITIES

### 308.4.1 SHIFT SUPERVISOR 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 SUPPORT CAPTAIN 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.

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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 CROWD CONTROL GUIDELINES**

Tear gas (e.g., OC, CS, similar chemicals that accomplish the same effect) administered by shell, cartridge, or explosive device shall not be used for crowd control except in circumstances that constitute a riot. A riot is when a person commits the crime of riot if while participating with five or more other persons, the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm (ORS 166.015; 2020 Oregon Laws, c.8, § 1).

Prior to the deployment of tear gas under these circumstances, [officers\_deputies] shall, in the following order (2020 Oregon Laws, c.8, § 1):

- (a) Announce the intent to use tear gas,
- (b) Allow sufficient time for individuals to evacuate the area, and
- (c) Announce for a second time, immediately before usage, the intent to use tear gas.

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#### **308.8 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.

##### **308.8.1 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.

##### **308.8.2 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.

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.

##### **308.8.3 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.

#### **308.9 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.

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### **308.10 KINETIC ENERGY PROJECTILE GUIDELINES**

This agency 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.

#### **308.10.1 DEPLOYMENT AND USE**

Only agency-approved kinetic energy munitions shall be carried and deployed. 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.
- (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.

#### **308.10.2 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

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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.

#### **308.10.3 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.

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.

#### **308.11 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 as necessary.

- (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.

#### **308.12 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.

# Standards of Conduct

## 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City of Sherwood Police Department and are expected of all agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

## 340.2 POLICY

The continued employment or appointment of every member of the City of Sherwood Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## 340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### 340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

#### **340.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### **340.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty. All members have an absolute duty to report misconduct they witness or become aware of, and failure to report may be grounds for discipline.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

##### **340.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT**

An officer who observes another officer engaging in misconduct shall intervene to prevent or stop the conduct unless the officer cannot intervene safely. An officer who witnesses such conduct shall report the misconduct to a supervisor as soon as practicable, but not later than 72 hours after witnessing the misconduct (2020 Oregon Laws, c.5, § 2).

Failure to intervene or report the misconduct is grounds for discipline by the Agency or suspension or revocation of the officers certification by the Department of Public Safety Standards and Training (2020 Oregon Laws, c.5, § 2).

Misconduct means (2020 Oregon Laws, c.5, § 2):

- (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the agency policies related to the use of force
- (b) Sexual harassment or sexual misconduct



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- (c) Discrimination against a person based on race, color, religion, sex, sexual orientation, national origin, disability, or age
- (d) A crime
- (e) A violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410

#### **340.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service.

##### **340.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in agency or City manuals.
- (b) Disobedience of any legal directive or order issued by any agency member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.
- (d) Failure to intervene and/or report misconduct by another member.

##### **340.5.2 ETHICS**

- (a) Using or disclosing one's status as a member of the City of Sherwood Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-agency business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this agency and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

##### **340.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM**

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected

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by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on -duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this agency.

#### 340.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

#### 340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Police Chief or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

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- (e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

#### 340.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 340.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work -related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any agency record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this agency or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency and discipline of this agency or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on agency premises.

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2. At any work site, while on-duty or while in uniform, or while using any agency equipment or system.
  3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
1. Unauthorized attendance while on-duty at official legislative or political sessions.
  2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on agency property except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.
- (i) Any act on- or off- duty that brings discredit to this agency.

### 340.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.
- (i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.

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- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Police Chief of such action.
- (m) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

#### 340.5.10 SAFETY

- (a) Failure to observe or violating agency safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 340.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

## Brady Material Disclosure

### 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

#### 612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the City of Sherwood Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 612.2 POLICY

The City of Sherwood Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the City of Sherwood Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Agency will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 612.3 BRADY PROCESS

The Police Chief shall select a member of the Agency to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Section Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
  - 1. Updating the list whenever potential *Brady* information concerning any agency member becomes known to the Agency or is placed in a personnel or internal affairs file.

### 612.4 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as

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practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the agency case file.

#### **612.5 DISCLOSURE OF REQUESTED INFORMATION**

If a member of this agency is a material witness in a criminal case, a person or persons designated by the Police Chief shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and agency member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or agency counsel should be requested to file a motion in order to initiate an in-camera review by the court.
  1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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### **612.6 INVESTIGATING BRADY ISSUES**

If the Agency receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **612.7 TRAINING**

Agency personnel should receive periodic training on the requirements of this policy.



# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the City of Sherwood Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the City of Sherwood Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.2.1 SELECTION

The selection of non-sworn employees will be administered by the City of Sherwood Department of Human Resources Manager and will include participation of police department personnel as designated by the Police Chief. Finalists will be interviewed by the Police Chief prior to appointment. A conditional job offer will be made contingent on submission of inked fingerprints for criminal history clearance as required by the Oregon State Police Criminal Justice Information System Division.

The recruitment and selection process for police officers will ensure that the applicant meets the standards and is tested as required by the Oregon Department of Public Safety and Training, (Oregon Administrative Rules, Chapter 259-008.) The initial phase of the selection process will determine whether the applicant meets the minimum qualifications. The subsequent phases of the process will progressively eliminate unsuitable candidates and advance the most qualified applicants; who must successfully complete the following:

- Oregon Physical Abilities Test
- National Police Officer Selection Test
- Panel interviews
- Submission of a background packet, Personal History Questionnaire, and California Personality Inventory

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- Initial non-medical assessment of the Personal History Questionnaire
- Submission of inked fingerprints for criminal records check
- Interview by command staff
- Conditional job offer
- Background investigation
- Review of background investigation
- Psychological assessment
- Medical test
- Appointment

This process may be modified to accommodate specific conditions or requirements of assignments. (An example of such modification may pertain to officers applying for lateral transfer that are currently certified in Oregon.)

#### **1000.3 RECRUITMENT**

The Administration Section Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Section Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

#### **1000.4 SELECTION PROCESS**

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ

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a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant for [officer\_deputy] or reserve [officer\_deputy] shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (2020 Oregon Laws, c.7, § 4).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

#### 1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the City of Sherwood Police Department (OAR 259-008-0015).

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Section Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

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The Administration Section Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Agency fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Section Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

#### **1000.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### **1000.5.5 STATE NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

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- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
  1. Any felony
  2. Any offense for which the maximum term of imprisonment is more than one year
  3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
  4. Any offense that would subject the candidate to a denial or revocation of a peace officer license
- (e) Meet the moral fitness standards
- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

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#### 1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the minimum standards established by DPSST, including the following (OAR 259-008-0011; OAR 259-008-0300):

- (a) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (b) Be free of convictions for any of the following:
  - 1. Any felony
  - 2. Any offense for which the maximum term of imprisonment is more than one year
  - 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
  - 4. Any offense that would subject the candidate to a denial or revocation of a telecommunicator license
- (c) Meet the moral fitness standards
- (d) Possess a high school diploma, GED equivalent, or a four-year advanced degree
- (e) Complete a medical examination
- (f) Meet the physical standards requirements

#### 1000.8 PROBATIONARY PERIODS

The Administration Section Commander should coordinate with the Sherwood Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of agency members contracting and/or spreading communicable diseases.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the City of Sherwood Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1016.2 POLICY

The City of Sherwood Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1016.3 EXPOSURE CONTROL OFFICER

The Police Chief will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that agency members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
  - 2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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3. Exposure control mandates in 29 CFR 1910.1030 including bloodborne pathogen precautions (OAR 437-002-0360).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Division (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

#### **1016.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1016.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Stocking appropriate PPE including disposable gloves, antiseptic hand cleanser, or other specialized equipment in the work area or agency vehicles, as applicable.
- (b) Wearing agency-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using appropriate PPE when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.



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#### 1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; OAR 437-002-0360).

Other preventive, no-cost immunizations shall be provided to members who are at risk of contracting a communicable disease if such preventive immunization is available and is medically appropriate. A member shall not be required to be immunized unless such immunization is otherwise required by federal or state law, rule or regulation (ORS 433.416).

#### 1016.5 POST EXPOSURE

##### 1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

##### 1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

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### 1016.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Agency members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1016.5.4 COUNSELING

The Agency shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

### 1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).
- (c) Petitioning for a court order to compel source testing for HIV or other communicable diseases as defined by ORS 431A.005, if a good faith effort to obtain voluntary consent is requested from the source person and not obtained (ORS 433.080; ORS 431A.570).
- (d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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#### **1016.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1016.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Personnel Records

### 1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1026.2 POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

### 1026.3 AGENCY FILE

The agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the agency file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (ORS 652.750).
  - 2. Any member response shall be attached to and retained with the original adverse comment.
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment (ORS 652.750). Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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#### **1026.4 SECTION FILE**

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the officer prior to being placed in the file in accordance with ORS 652.750.

#### **1026.5 TRAINING FILE**

An individual training file shall be maintained by the Support Captain for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; education; and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Support Captain or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Support Captain or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1026.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Police Chief. Access to these files may only be approved by the Police Chief or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's agency file but will be maintained in the internal affairs file:

- Not sustained
- Unfounded
- Exonerated

#### **1026.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.
- (f) Drug testing records.

Medical records relating to hazard exposure shall be retained for 30 years after separation and in accordance with the agency established records retention schedule (29 CFR 1910.1020(d)).

#### **1026.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure as provided in this policy, according to applicable discovery procedures, state law or with the member's written consent.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **1026.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (ORS 181A.830).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **1026.8.2 RELEASE OF PERSONNEL INFORMATION**

Personnel records of an officer who was employed at any time by the Agency shall be released to a requesting law enforcement agency for the purposes of preemployment review (2020 Oregon Laws, c.7, § 4).

Except as provided by the Records Maintenance and Release Policy or pursuant to lawful process, no information about a personnel investigation of an officer that does not result in discipline contained in any personnel file shall be disclosed to any unauthorized member or other persons unless (ORS 181A.830(4)):

- (a) The officer consents to disclosure in writing.
- (b) The public interest requires disclosure of the information.

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- (c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.
- (d) Disclosure is required by 2020 Oregon Laws, c.7, § 4.
- (e) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the Agency.

Audio or video records of internal investigation interviews of an officer are confidential and shall not be released (ORS 192.385).

Photographs of an officer shall not be disclosed without the written consent of the officer (ORS 181A.830).

#### **1026.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

A member or former member may request to review his/her personnel file. The request should be made to the Administration Supervisor. The Administration Supervisor should ensure that the member is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If an officer believes that any portion of the material is mistakenly or unlawfully placed in the officer personnel record, the officer may submit a written request to the Police Chief that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Police Chief must respond within 30 days from the date the request is received. If the Police Chief chooses not to make any changes, the Police Chief shall ensure that a written response to the request is made. The Police Chief shall ensure that the request and response is placed in the officer's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for agency planning purposes.

# City of Sherwood Police Department

## Sherwood PD OR Policy Manual

### *Personnel Records*

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- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Agency and the member that may be discovered in a judicial proceeding.

#### **1026.10 RETENTION AND PURGING**

Unless otherwise noted, personnel records shall be retained for a minimum of 10 years after separation and in accordance with the established records retention schedule (2020 Oregon Laws, c.7, § 4).

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Police Chief.
- (c) If, in the opinion of the Police Chief, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.



**City Council Meeting Date:** October 20, 2020**Agenda Item:** Consent Agenda**TO:** Sherwood City Council**FROM:** Bob Galati P.E., City Engineer

Through: Jeff Groth, Chief of Police

Julia Hajduk, Community Development Director

**SUBJECT: Resolution 2020-xxx, Establishing Acceptable Traffic Calming Measures**

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**Issue:**

Shall the City Council adopt Resolution 2020-XXX thereby Establishing Acceptable Traffic Calming Measures?

**Background:**

In order to facilitate the City's response to public concerns, the City Council established the Traffic Safety Committee (Ordinance 2019-015), which is associated with the Police Advisory Board. One goal of the Traffic Safety Committee (TSC) is to improve the City's ability to review and respond to community concerns regarding traffic safety issues.

To support the TSC in meeting its stated goal, it is desirable to have a pre-approved list of acceptable traffic calming measures to select from, in providing solution recommendations in response to community requests.

City Engineering Department staff was tasked with providing a list of typical traffic calming measures. The best source for identifying standard traffic calming measures is the Institute of Transportation Engineers (ITE). ITE is a nationally/internationally recognized source of transportation engineering information and data that identifies necessary research, develops technical resources including standards and recommended practices and policies, and develops public awareness programs.

The ITE website provided Traffic Calming Measure Fact Sheets for the various types of traffic control measures typically used by jurisdictional transportation agencies. City Engineering staff generated a compilation of Traffic Calming Measures fact sheets which have been recommended to the TSC and PAB as acceptable measures to be used within the City. Those fact sheets are attached to this staff report for reference.

The ITE fact sheets provide an existing nationally recognized standard which can be uniformly applied in the City. Each fact sheet provides significant relevant information for the decision making process. This includes:

- a) Description - an accurate description of traffic calming measure
- b) Applications – lists where the application is most appropriate
- c) Design/Installation Issues – lists issues that need to be considered during design and construction
- d) Potential Impacts – lists possible positive and negative impacts from the use of the measure
- e) Emergency Response Issues – lists specifically whether there is a negative impact to emergency response vehicles

- f) Typical Cost (2017 dollars) – provides an estimated range of design and construction cost. The costs are in 2017 dollars, and are based on a national average. Local cost indexing and increase due to annual increases would need to be performed.

City staff presented the Traffic Calming Measure Fact Sheets and list of recommended acceptable traffic calming measures to the TSC and PAB. Both the TSC and the PAB have recommended City Council approval of this list and inclusion of these measures in the City's Engineering Design and Standard Details Manual.

The inclusion of these measures in the transportation section of the City's Engineering Design and Standard Details Manual is appropriate for the following reasons:

- 1) The Engineering Design and Standard Details Manual (Manual) is a living document which allows for updating and revisions to the technical information based on new/improved materials, techniques, and applications.
- 2) Updates to the Manual can be made by City staff at the direction of the City Council based on the recommendation of the City Engineer, the Public Works Director, or the Traffic Safety Committee and Police Advisory Board.

**Financial Impacts:**

There are no additional financial impacts as a result of approval of this resolution.

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2020-xxx, Establishing Acceptable Traffic Calming Measures.



**Exhibit "C"**

**RESOLUTION 2020-XXX**

**ESTABLISHING ACCEPTABLE TRAFFIC CALMING MEASURES**

**WHEREAS**, the City Council established the Traffic Safety Committee (TSC) by Ordinance 2019-015, which is associated with the Police Advisory Board (PAB); and

**WHEREAS**, one goal of the TSC is to improve the City's ability to review and respond to community concerns regarding traffic safety issues; and

**WHEREAS**, to support the TSC in meeting this goal, it is desirable to have a pre-approved list of acceptable traffic calming measures to select from; and

**WHEREAS**, City engineering staff has generated a list of traffic calming measures which have been recommended to the TSC and PAB as acceptable measures to be used within the City; and

**WHEREAS**, City staff presented the review findings and recommendations to the TSC and the PAB, with the committee and board approving the findings and recommending that the acceptable traffic calming measures be made part of the City's Engineering Design and Standard Details Manual; and

**WHEREAS**, the Engineering Design and Standard Details Manual is a living document, where additions and deletions of acceptable traffic control measures may be made by City staff at the direction of the City Council based on the recommendation of the City Engineer, the TSC and PAB; and

**WHEREAS**, it is understood that while this Resolution establishes acceptable traffic calming measures for consideration in any (re)construction of public infrastructure, the selection of a recommended traffic calming measure will require a determination by City Engineering staff that supports the use and effectiveness of the selected traffic control measure, on a case by case basis.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Traffic Calming Measures listed below shall be added to the City's Engineering Design and Standard Details Manual as acceptable Traffic Calming Measures for use within the City:

- |                        |                           |                                    |
|------------------------|---------------------------|------------------------------------|
| a. Chicane             | b. Choker                 | c. Corner Extension/Bulb-Out       |
| d. Diagonal Diverter   | e. Lateral Shift          | f. Median Barrier/Forced Turn Lane |
| g. Median Island       | h. Mini Roundabout        | i. On-Street Parking               |
| j. Raised Intersection | k. Realigned Intersection | l. Roundabout                      |
| m. Speed Cushion       | n. Speed Hump             | o. Speed Table/Raised Crosswalk    |
| p. Traffic Circle      |                           |                                    |

**Section 2.** Future additions to or deletions from the list of acceptable Traffic Calming Measures may occur as needed, based on the City Engineer's recommendation, the Traffic Safety Committee and Police Advisory Board recommendations, and City Council approval.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 20<sup>th</sup> day of October, 2020.**

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Keith Mays, Mayor

Attest:

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Sylvia Murphy, MMC, City Recorder

# Traffic Calming Fact Sheets

May 2018 Update



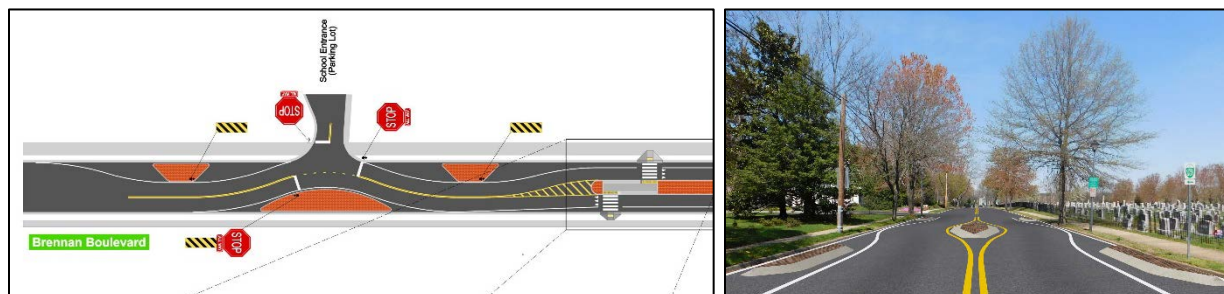
## Chicane

### Description:

- A series of alternating curves or lane shifts that force a motorist to steer back and forth instead of traveling a straight path
- Also called deviations, serpentines, reversing curves, or twists

### Applications:

- Appropriate for mid-block locations but can be an entire block if it is relatively short
- Most effective with equivalent low volumes on both approaches
- Appropriate speed limit is typically 35 mph or less
- Typically, a series of at least three landscaped curb extensions
- Can use alternating on-street parking from one side of a street to the other
- Applicable on one-lane one-way and two-lane two-way roadways
- Can be used with either open or closed (i.e. curb and gutter) cross-section
- Can be used with or without a bicycle facility



(Source: Delaware Department of Transportation)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Chicanes may still permit speeding by drivers cutting straight paths across the center line
- Minimize relocation of drainage features
- May force bicyclists to share travel lanes with motor vehicles
- Maintain sufficient width for ease of emergency vehicles and truck throughput

### Potential Impacts:

- No effect on access, although heavy trucks may experience challenges when negotiating
- Limited data available on impacts to speed and crash risk
- Street sweeping may need to be done manually
- Minimal anticipated volume diversion from street
- May require removal of some on-street parking
- Provides opportunity for landscaping
- Unlikely to require utility relocation
- Not a preferred crosswalk location
- Bus passengers may experience discomfort due to quick successive lateral movements

### Emergency Response Issues:

- Appropriate along primary emergency vehicle routes

### Typical Cost (2017 dollars):

- Reported costs range between \$8,000 and \$25,000

# Traffic Calming Fact Sheets

May 2018 Update

## Choker

### Description:

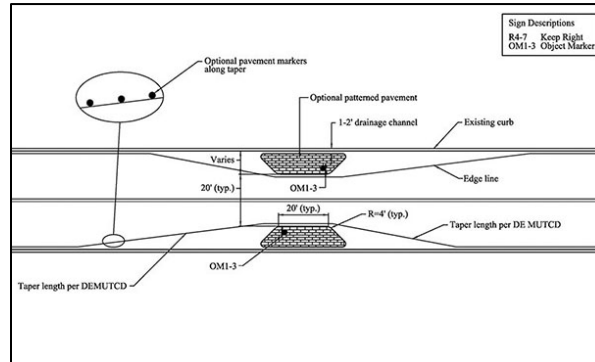
- Curb extension is a lateral horizontal extension of the sidewalk into the street, resulting in a narrower roadway section
- If located at an intersection, it is called a corner extension or a bulb-out
- If located midblock, it is referred to as a choker
- Narrowing of a roadway through the use of curb extensions or roadside islands

### Applications:

- Can be created by a pair of curb extensions, often landscaped
- Encourages lower travel speeds by reducing motorist margin of error
- One-lane choker forces two-way traffic to take turns going through the pinch point
- If the pinch point is angled relative to the roadway, it is called an angled choker
- Can be located at any spacing desired
- May be suitable for a mid-block crosswalk
- Appropriate for arterials, collectors, or local streets



(Source: City of An Arbor, Michigan)



(Source: Delaware DOT)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Only applicable for mid-block locations
- Can be used on a one-lane one-way and two-lane two-way street
- Most easily installed on a closed-section road (i.e. curb and gutter)
- Applicable with or without dedicated bicycle facilities
- Applicable on streets with, and can protect, on-street parking
- Appropriate for any speed limit
- Appropriate along bus routes
- Typical width of 6 to 8 feet; offset from through traffic by approximately 1.5 feet
- Locations near streetlights are preferable
- Length of choker island should be at least 20 feet

### Potential Impacts:

- Encourages lower speeds by funneling it through the pinch point
- Can result in shorter pedestrian crossing distances if a mid-block crossing is provided
- May force bicyclists and motor vehicles to share the travel lane
- May require some parking removal
- May require relocation of drainage features and utilities

### Emergency Response Issues:

- Retains sufficient width for ease of use for emergency vehicles

### Typical Cost (2017 dollars):

- Between \$1,500 and \$20,000, depending on length and width of barriers

# Traffic Calming Fact Sheets

May 2018 Update

## Corner Extension/Bulb-Out

### Description:

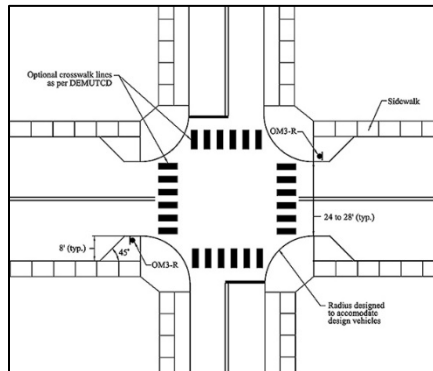
- Horizontal extension of the sidewalk into the street, resulting in a narrower roadway section
- If located at a mid-block location, it is typically called a choker

### Applications:

- When combined with on-street parking, a corner extension can create protected parking bays
- Effective method for narrowing pedestrian crossing distances and increase pedestrian visibility
- Appropriate for arterials, collectors, or local streets
- Can be used on one-way and two-way streets
- Installed only on closed-section roads (i.e. curb and gutter)
- Appropriate for any speed, provided an adequate shy distance is provided between the extension and the travel lane
- Adequate turning radii must be provided to use on bus routes



(Source: James Barrera, Horrocks, New Mexico)



(Source: Delaware DOT)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Effects on vehicle speeds are limited due to lack of deflection
- Must check drainage due to possible gutter realignment
- Major utility relocation may be required, especially drainage inlets
- Typical width between 6 and 8 feet
- Typical offset from travel lane at least 1.5 feet
- Should not extend into bicycle lanes

### Potential Impacts:

- Effects on vehicle speeds are limited due to lack of deflection
- Can achieve greater speed reduction if combined with vertical deflection
- Smaller curb radii can slow turning vehicles
- Shorter pedestrian crossing distances can improve pedestrian safety
- More pedestrian waiting areas may become available
- May require some parking removal adjacent to intersections

### Emergency Response Issues:

- Retains sufficient width for ease of emergency-vehicle access
- Shortened curb radii may require large turning vehicles to cross centerlines

### Typical Cost (2017 dollars):

- Cost between \$1,500 and \$20,000, depending on length and width of barriers



# Traffic Calming Fact Sheets

May 2018 Update

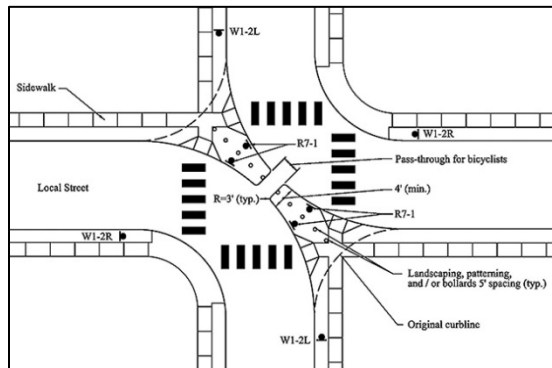
## Diagonal Diverter

### Description:

- Barriers placed diagonally across four-legged intersections, blocking through movements
- Sometimes called full diverters or diagonal road closures

### Applications:

- Typically applied only after other measures are deemed ineffective or inappropriate
- Provisions are available to make diverters passable for pedestrians and bicyclists
- Often used in sets to make travel through neighborhoods more circuitous



(Source: Delaware Department of Transportation)



(Source: PennDOT Local Technical Assistance Program)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Possible legal issues associated with closing public streets (e.g., business and/or emergency access)
- Can only be placed at intersections
- Can be used on both one-way and two-way streets
- Typically found on closed-section roads (i.e. curb and gutter)
- Typical maximum appropriate speed limit is 25 mph
- Maintain drainage as necessary to mitigate potential flooding
- Corner radii should be designed to allow full-lane width for passing motor vehicle traffic
- SU-30 default design vehicle
- Appropriate signing and pavement markings needed on approaches
- Openings for pedestrians and bicyclists should allow movement between all intersection legs
- Barriers may consist of landscaped islands, walls, gates, side-by-side bollards, or any other obstruction that leave an opening smaller than the width of a typical passenger car

### Potential Impacts:

- Concern regarding impacts to emergency response, street network connectivity, and capacity
- Should consider traffic diversion patterns and associated impacts
- No significant impacts on vehicle speeds beyond the approach to the diverter
- Not appropriate for bus transit routes
- Improved pedestrian and bicycle safety

### Emergency Response Issues:

- Should not be used on roads that provide access to hospitals or primary emergency services
- Restricts emergency vehicle access through intersections
- Can be designed to allow emergency vehicle access with removable, or breakaway delineators or bollards, gates, mountable curbs, etc.

### Typical Cost (2017 dollars):

- Typical cost of \$6,000 for diverter with limited drainage modifications



# Traffic Calming Fact Sheets

May 2018 Update

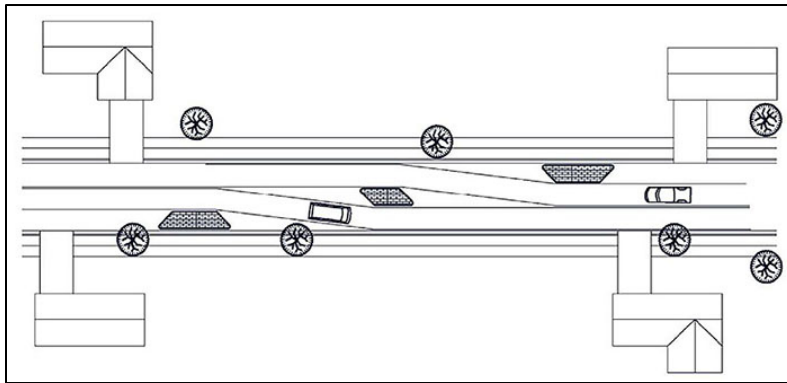
## Lateral Shift

### Description:

- Realignment of an otherwise straight street that causes travel lanes to shift in at least one direction
- A chicane is a variation of a lateral shift that shifts alignments more than once

### Applications:

- Appropriate for local, collector, or arterial roadways
- Appropriate for one-lane one-way and two-lane two-way streets
- Appropriate on roads with or without dedicated bicycle facilities
- Maximum appropriate speed limit is typically 35 mph
- Appropriate along bus transit routes



(Source: Delaware Department of Transportation)



(Source: Google Street View)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Typically separates opposing traffic through the shift with the aid of a raised median
- Applicable only to mid-block locations
- Can be installed on either open- or closed-section (i.e. curb and gutter) roads
- Location near streetlights preferred
- May require drainage feature relocation
- Should not require utility relocation

### Potential Impacts:

- Without islands, motorists could cross the centerline to drive the straightest path possible
- No impact on access
- May require removal of some on-street parking
- Limited data available on impacts on speed, volume diversions, and crash risk
- Provides opportunities for landscaping
- Can provide locations for pedestrian crosswalks

### Emergency Response Issues:

- Appropriate along primary emergency vehicle routes or on streets with access to hospitals/emergency medical services, provided vehicles can straddle the street centerline

### Typical Cost (2017 dollars):

- Reported costs range between \$8,000 and \$25,000

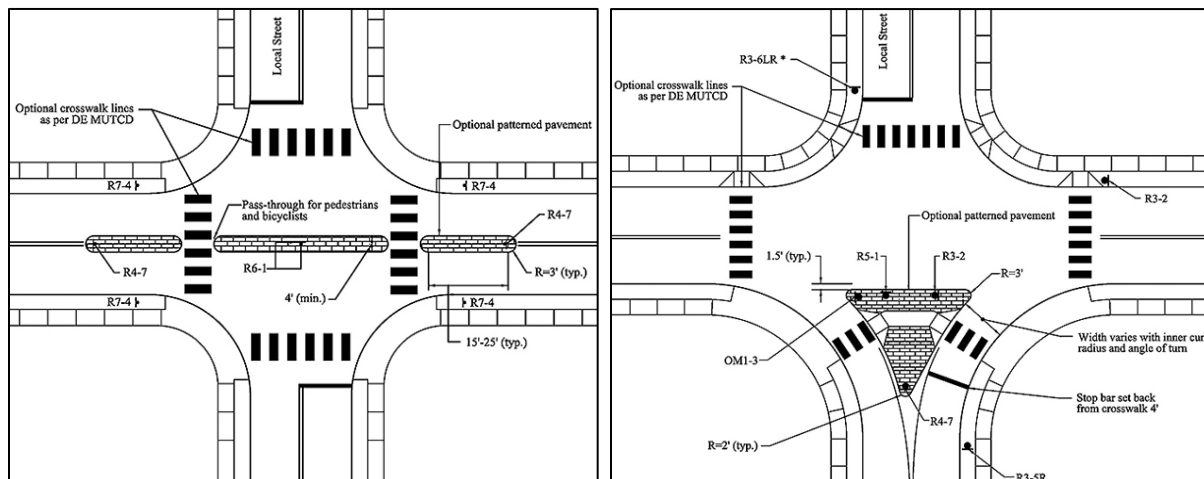
## Median Barrier/Forced Turn Island

### Description:

- Raised islands along the centerline of a street and continuing through an intersection that block the left-turn movement from all intersection approaches and the through movement from the cross street; also called median diverter, intersection barrier, intersection diverter, and island diverter
- Raised island that forces a right turn is called a forced turn island

### Applications:

- For use on arterial or collector roadways to restrict access to minor roads or local streets and/or to narrow lane widths
- Typically applied only after other measures have failed or been deemed inappropriate/ineffective
- Barriers are made passable for pedestrians and bicyclists
- Often used in sets to make travel to/through neighborhoods more circuitous



(Source: Delaware Department of Transportation)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Potential legal issues associated with blocking a public street (e.g., business/emergency access)
- Placed on major roads on approaches to and across intersections with minor roads
- Should extend beyond the intersection to discourage improper/illegal turn movements
- Barriers may consist of landscaped islands, mountable features, walls, gates, side-by-side bollards, or any other obstruction that leave an opening smaller than the width of a passenger car

### Potential Impacts:

- May divert traffic volumes to other parallel and/or crossing streets
- May require removal or shortening of on-street parking zones on approaches/departures
- May impact access to properties adjacent to intersection
- No significant impacts on vehicle speeds beyond the approaches to intersection

### Emergency Response Issues:

- Restricts emergency vehicle access using minor street
- Can be designed to allow emergency vehicle access

### Typical Cost (2017 dollars):

- Cost between \$1,500 and \$20,000, depending on length and width of barriers

# Traffic Calming Fact Sheets

May 2018 Update

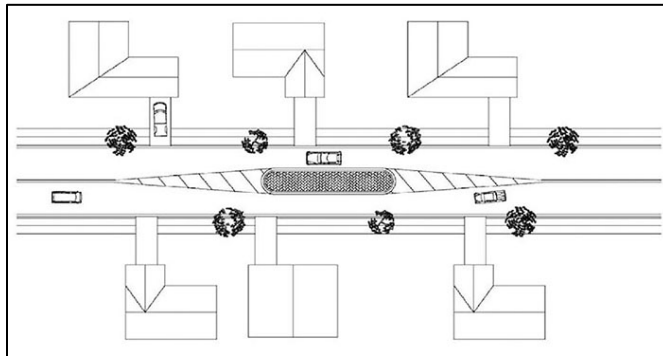
## Median Island

### Description:

- Raised island located along the street centerline that narrows the travel lanes at that location
- Also called median diverter, intersection barrier, intersection diverter, and island diverter

### Applications:

- For use on arterial, collector, or local roads
- Can often double as a pedestrian/bicycle refuge islands if a cut in the island is provided along a marked crosswalk, bike facility, or shared-use trail crossing
- If placed through an intersection, considered a median barrier



(Source: Delaware Department of Transportation)



(Source: James Barrera, Horrocks, New Mexico)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Potential legal issues associated with blocking a public street (e.g., business or emergency access)
- Barriers may consist of landscaped islands, mountable facilities, walls, gates, side-by-side bollards, or any other obstruction that leave an opening smaller than the width of a passenger car
- Can be placed mid-block or on the approach to an intersection
- Typically installed on a closed-section roadway (i.e. curb and gutter)
- Can be applied on roads with or without sidewalks and/or dedicated bicycle facilities
- Maximum appropriate speed limits vary by locale
- Typically not appropriate near sites that attract large combination trucks

### Potential Impacts:

- May impact access to properties adjacent to islands
- No significant impact on vehicle speeds beyond the island
- Little impact on traffic volume diversion
- Safety can be improved without substantially increasing delay
- Shortens pedestrian crossing distances
- Bicyclists may have to share vehicular travel lanes near the island
- May require removal of some on-street parking
- May require relocation of drainage features and utilities

### Emergency Response Issues:

- Appropriate along primary emergency vehicle roads or street that provides access to hospitals/emergency medical services

### Typical Cost (2017 dollars):

- Cost between \$1,500 and \$10,000, depending on length and width of island

# Traffic Calming Fact Sheets

March 2019 Update

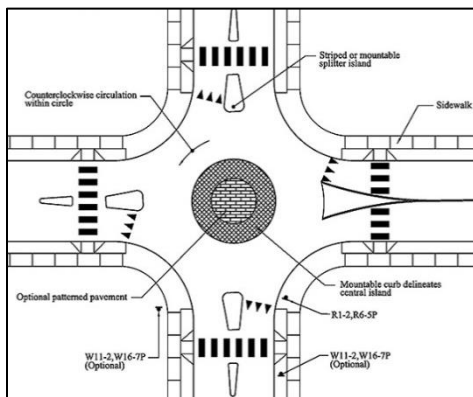
## Mini Roundabout

### Description:

- Raised islands, placed in unsignalized intersections, around which traffic circulates
- Motorists yield to motorists already in the intersection
- Require drivers to slow to a speed that allows them to comfortably maneuver around them
- Center island of mini roundabout is fully traversable, splitter islands may be fully traversable

### Applications:

- Intersections of local and/or collector streets
- One lane each direction entering intersection
- Not typically used at intersections with high volume of large trucks or buses turning left
- Appropriate for low-speed settings



(Source: Delaware DOT)



(Source: Gary Schatz)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation:

- See NCHRP Report 672 for design details
- Typically circular in shape, but may be an oval shape
- Controlled by YIELD signs on all approaches with pedestrian crosswalks, if included, one car-length upstream of YIELD bar
- Preferable for roadway to have urban cross section (i.e., curb and gutter)
- Can be applied to road with on-street parking
- Can be applied to roads both with and without a bicycle facility. Bicycle facilities, if provided, must be separated from the circulatory roadway with physical barriers; cyclists using the circulatory roadway must merge with vehicles. Bicycle facilities are prohibited in the circulatory roadway to prevent right-hook crashes.
- Key design features are the fastest paths and path alignment.

### Potential Impacts:

- Slight speed reduction
- Little diversion of traffic
- Bicycle and motorist will share lanes at intersections because of narrowed roadway
- Large vehicles/buses usually drive over the center island for left turns

### Emergency Response:

- Emergency vehicles maneuver using the center island at slow speeds

### Typical Cost

- Cost is similar to bulb-outs because pedestrian ramps and outside curb lines usually have to be relocated



# Traffic Calming Fact Sheets

May 2018 Update

## On-Street Parking

### Description:

- Allocation of paved space to parking
- Narrows road travel lanes and increases side friction to traffic flow
- Can apply on one or both sides of roadway
- Can be either parallel or angled, but parallel is generally preferred for maximized speed reduction

### Applications:

- High likelihood of acceptability for nearly all roadway functional classifications and street functions
- More appropriate in urban or suburban settings
- Can be combined with other traffic calming measures
- Can apply alternating sides of street for chicane effect
- Can combine with curb extensions for protected parking, including landscaping for beautification
- Can apply using time-of-day restrictions to maximize throughput during peak periods
- Can be used on one-way or two-way streets
- Preferable to have a closed-section road (i.e. curb and gutter)
- Appropriate along bus transit routes



(Source: PennDOT Local Technical Assistance Program)



(Source: Google Earth, Fort Collins, CO)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Appropriate distance needed between travel lane and parking lane
- Impact is directly affected by demand; must have parked vehicles present to be effective
- If used for chicane effect, must verify parking demand to ensure that majority of spaces are occupied when effect is desired most during the day; can use parallel, angled, or combination
- Should not be considered near traffic circles nor roundabouts
- Should not be applied along median island curbs
- For lower-demand locations, can counteract negligible impact with curb extensions or other road-narrowing features

### Potential Impacts:

- Can be blocked in by snow during plowing operations; required vehicle removal
- May limit road user visibility and sight distance at driveways/alleys/intersections
- Can put bicyclists at risk of colliding with car doors
- May be impacted if other traffic calming measures are considered or implemented
- Provides buffer between moving vehicles and pedestrian facilities

### Emergency Response Issues:

- Preferred by emergency responders to most other traffic calming measures
- Requires consideration of design of parking lanes near hydrants and other emergency features

# Traffic Calming Fact Sheets

May 2018 Update



## **Typical Cost (2017 dollars):**

- Approximately \$6000 or less (factor of design specifics and length of application); can be much higher

# Traffic Calming Fact Sheets

May 2018 Update

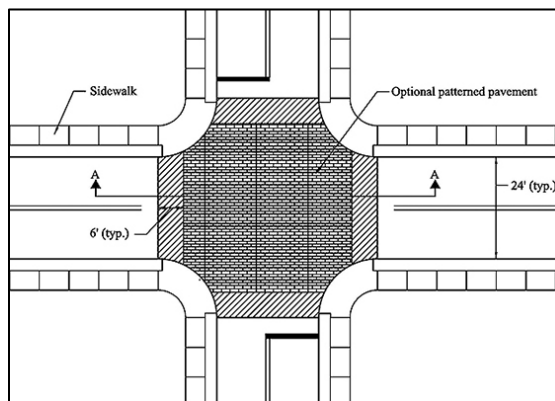
## Raised Intersection

### Description:

- Flat raised areas covering entire intersections, with ramps on all approaches and often with brick or other textured materials on the flat section and ramps
- Sometimes referred to as raised junctions, intersection humps, or plateaus

### Applications:

- Intersections of collector, local, and residential streets
- Typically installed at signalized or all-way stop controlled intersections with high pedestrian crossing demand
- Works well with curb extensions and textured crosswalks
- Often part of an area-wide traffic calming scheme involving both intersecting streets in densely-developed urban areas



(Source: Delaware Department of Transportation)



(Source: Chuck Huffine, Phoenix AZ)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Used at intersections with a maximum speed limit of 35 mph
- Typically rise to sidewalk level; appropriate if crosswalks exist on all four legs
- Appropriate if a dedicated bicycle facility passes through the intersection
- Detectable warnings and/or color contrasts must be incorporated to differentiate the roadway and the sidewalk
- May require bollards to define edge of roadway
- Storm drainage/underground utility modifications are likely necessary
- Minimum pavement slope of 1 percent to facilitate drainage

### Potential Impacts:

- Reduction in through movement speeds likely at intersection
- Reduction in mid-block speeds typically less than 10 percent
- No impact on access
- Can make entire intersections more pedestrian-friendly
- No data available on volume diversion or safety impacts

### Emergency Response Issues:

- Slows emergency vehicles
- Appropriate for primary emergency vehicle routes and streets with access to a hospital or emergency medical services

### Typical Cost (2017 dollars):

- Costs range between \$15,000 and \$60,000

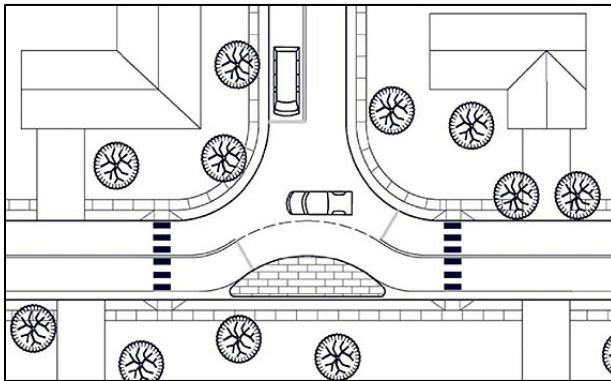
## Realigned Intersection

### Description:

- Reconfiguration of an intersection with perpendicular angles to have skewed approaches or travel paths through the intersection
- Also called modified intersection

### Applications:

- Appropriate for collector or local streets
- Most applicable at T-intersections
- Can be used where on-street parking exists
- Applicable on one-way and two-way roadways
- Most commonly installed on closed-section roads (i.e. curb and gutter)
- Can be applied with and without a dedicated bicycle facility
- Can be applied with or without on-street parking



(Source: Delaware Department of Transportation)



(Source: Delaware DOT)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Need to avoid relocating drainage features such as catch basins, concrete channels, valley gutters, inlets, and trench drains
- Bicyclists and motorists may have separate lanes or may share lanes at intersections
- Be cognizant of pedestrian crossing needs (e.g., ADA, wheelchair ramps at T-intersections)
- Default design vehicle SU-30
- Typical maximum speed limit of 25 mph
- May be appropriate for buses if adequate turning radii can be provided

### Potential Impacts:

- Limited-to-no impact on access
- Minimal anticipated diversion of traffic
- Can result in speed reductions between 5 and 13 mph within intersection limits
- Provides opportunity for landscaping
- Can improve pedestrian safety
- Consider additional intersection lighting

### Emergency Response Issues:

- Appropriate along an emergency vehicle route or on a street with access to hospital/emergency medical services
- Little impact on response time

### Typical Cost (2017 dollars):

- Costs range between \$15,000 and \$60,000



# Traffic Calming Fact Sheets

March 2019 Update

## Roundabout

### Description:

- Raised islands placed in unsignalized intersections around which traffic circulates
- Approaching motorists yield to motorists already in the intersection
- Requires drivers to slow to a speed that allows them to comfortably maneuver around them
- Different from traffic circles or mini-roundabouts; possible substitute for traffic signal control

### Applications:

- Intersections of arterial and/or collector streets
- One or more entering lanes
- Can be used at intersections with high volumes of large trucks and buses, depending on design



(Source: Grant Kaye)



(Source: PennDOT Local Technical Assistance Program)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation:

- See NCHRP Report 672 for design details
- Design vehicle is determined specifically for each site ranging from emergency vehicles to over size/overweight vehicles
- Typically circular in shape but may be an oval shape
- Key physical elements are center islands, truck aprons, and splitter islands
- Controlled by YIELD signs on all approaches with pedestrian crosswalks, if included, one car-length upstream of YIELD bar
- Key design features include: fastest paths, swept paths, and path alignment
- Large vehicles circulating around the center island for all movements may traverse the apron
- Landscaping needs to be designed to allow adequate sight distance per NCHRP 672
- Preferable to have a closed-section road (i.e. curb and gutter)
- Bicycle facilities, if provided, must be separate from the circulatory roadway with physical barriers; cyclists using the circulatory roadway must merge with vehicles. Bicycle facilities are prohibited in the circulatory roadway to prevent right-hook crashes.

### Potential Impacts:

- Limited impact on access, except for access points immediately adjacent to intersection
- Limited impact on roadways with on-street parking
- May draw additional traffic but with reduced delays and queues

### Emergency Response:

- Appropriate for emergency vehicle routes or streets that provide access to hospitals
- Emergency vehicles may traverse the apron

### Typical Cost

- Cost varies widely by site, but is usually comparable to a traffic signal

# Traffic Calming Fact Sheets

May 2018 Update

## Speed Cushion

### Description:

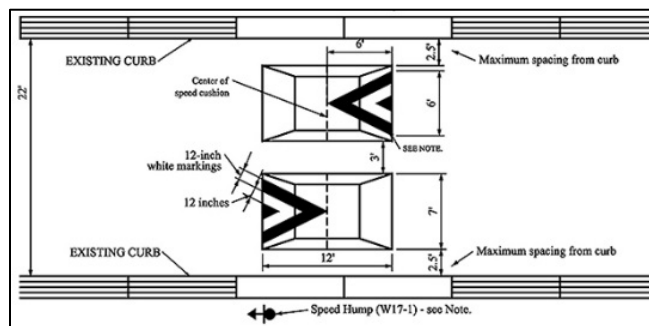
- Two or more raised areas placed laterally across a roadway with gaps between raised areas
- Height and length similar to a speed hump; spacing of gaps allow emergency vehicles to pass through at higher speeds
- Often placed in a series (typically spaced 260 to 500 feet apart)
- Sometimes called speed lump, speed slot, and speed pillow

### Applications:

- Appropriate on local and collector streets
- Appropriate at mid-block locations only
- Not appropriate on grades greater than 8 percent



(Source: James Barrera, Horrocks, New Mexico)



(Source: Delaware Department of Transportation)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- Two or more cushions at each location
- Typically 12 to 14 feet in length and 7 feet in width
- Cushion heights range between 3 and 4 inches, with trend toward 3 - 3 ½ inches maximum
- Speed cushion shapes include parabolic, circular, and sinusoidal
- Material can be asphalt or rubber
- Often have associated signing (advance-warning sign before first cushion at each cushion)
- Typically have pavement markings (zigzag, shark's tooth, chevron, zebra)
- Some have speed advisories

### Potential Impacts:

- Limited-to-no impact on non-emergency access
- Speeds determined by height and spacing; speed reductions between cushions have been observed averaging 20 and 25 percent
- Speeds typically increase by 0.5 mph midway between cushions for each 100 feet of separation
- Studies indicate that average traffic volumes have reduced by 20 percent depending on alternative routes available
- Average collision rates have been reduced by 13 percent on treated streets

### Emergency Response Issues:

- Speed cushions have minimal impact on emergency response times, with less than a 1 second delay experienced by most emergency vehicles

### Typical Cost (2017 dollars):

- Cost ranges between \$3,000 and \$4,000 for a set of rubber cushions

# Traffic Calming Fact Sheets

May 2018 Update

## Speed Hump

### Description:

- Rounded (vertically along travel path) raised areas of pavement typically 12 to 14 feet in length
- Often placed in a series (typically spaced 260 to 500 feet apart)
- Sometimes called road humps or undulations

### Applications:

- Appropriate for residential local streets and residential/neighborhood collectors
- Not typically used on major roads, bus routes, or primary emergency response routes
- Not appropriate for roads with 85<sup>th</sup>-percentile speeds of 45 mph or more
- Appropriate for mid-block placement, not at intersections
- Not recommended on grades greater than 8 percent
- Work well in combination with curb extensions
- Can be used on a one-lane one-way or two-lane two-way street



(Source: City of Boulder, Colorado)



(Source: PennDOT Local Technical Assistance Program)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- ITE recommended practice - "Guidelines for the Design and Application of Speed Humps"
- Typically 12 to 14 feet in length; other lengths (10, 22, and 30 feet) reported in practice in U.S.
- Speed hump shapes include parabolic, circular, and sinusoidal
- Typically spaced no more than 500 feet apart to achieve an 85th percentile speed between 25 and 35 mph
- Hump heights range between 3 and 4 inches, with trend toward 3 - 3 ½ inches maximum
- Often have associated signing (advance warning sign before first hump in series at each hump)
- Typically have pavement markings (zigzag, shark's tooth, chevron, zebra)
- Taper edge near curb to allow gap for drainage
- Some have speed advisories
- Need to design for drainage, without encouraging means for motorists to go around a hump

### Potential Impacts:

- No impact on non-emergency access
- Average speeds between humps reduced between 20 and 25 percent
- Speeds typically increase approximately 0.5 to 1 mph midway between humps for each 100 feet Beyond the 200-foot approach and exit of consecutive humps
- Traffic volumes diversion estimated around 20 percent; average crash rates reduced by 13 percent

### Emergency Response Issues:

- Impacts to ease of emergency-vehicle throughput
- Approximate delay between 3 and 5 seconds per hump for fire trucks and up to 10 seconds for ambulances with patients

### Typical Cost (2017 dollars):

- Cost ranges between \$2,000 and \$4,000

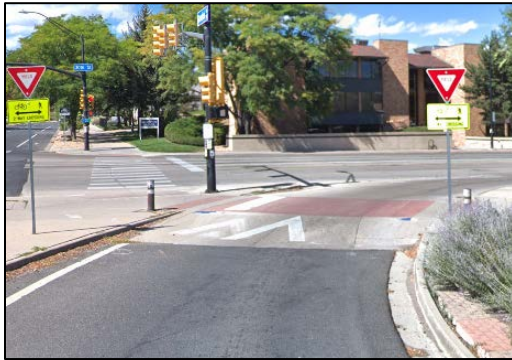
## Speed Table/Raised Crosswalks

### Description:

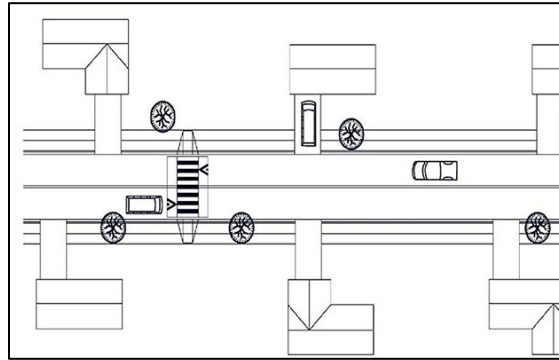
- Long, raised speed humps with a flat section in the middle and ramps on the ends; sometimes constructed with brick or other textured materials on the flat section
- If placed at a pedestrian crossing, it is referred to as a raised crosswalk
- If placed only in one direction on a road, it is called an offset speed table

### Applications:

- Appropriate for local and collector streets; mid-block or at intersections, with/without crosswalks
- Can be used on a one-lane one-way or two-lane two-way street
- Not appropriate for roads with 85<sup>th</sup> percentile speeds of 45 mph or more
- Typically long enough for the entire wheelbase of a passenger car to rest on top or within limits of ramps
- Work well in combination with textured crosswalks, curb extensions, and curb radius reductions
- Can be applied both with and without sidewalks or dedicated bicycle facilities
- Typically installed along closed-section roads (i.e. curb and gutter) but feasible on open section



(Source: Google Maps, Boulder, Colorado)



(Source: Delaware Department of Transportation)

**ITE/FHWA Traffic Calming EPrimer:** [https://safety.fhwa.dot.gov/speedmgt/traffic\\_calm.cfm](https://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm)

### Design/Installation Issues:

- ITE recommended practice – “Guidelines for the Design and Application of Speed Humps”
- Most common height is between 3 and 4 inches (reported as high as 6 inches)
- Ramps are typically 6 feet long (reported up to 10 feet long) and are either parabolic or linear
- Careful design is needed for drainage
- Posted speed typically 30 mph or less

### Potential Impacts:

- No impact on non-emergency access
- Speeds reductions typically less than for speed humps (typical traversing speeds between 25 and 27 miles per hour)
- Speeds typically decline approximately 0.5 to 1 mph midway between tables for each 100 feet beyond the 200-foot approach and exit points of consecutive speed tables
- Average traffic volumes diversions of 20 percent when a series of speed tables are implemented
- Average crash rate reduction of 45 percent on treated streets
- Increase pedestrian visibility and likelihood of driver yield compliance
- Generally not appropriate for BRT bus routes

### Emergency Response Issues:

- Typically preferred by fire departments over speed humps, but not appropriate for primary emergency vehicle routes; typically less than 3 seconds of delay per table for fire trucks

### Typical Cost (2017 dollars):

- Cost ranges between \$2,500 and \$8,000 for asphalt tables; higher for brickwork, stamped asphalt, concrete ramps, and other enhancements sometimes used at pedestrian crossings