



AGENDA



Police Advisory Board	
Date & Time:	Thursday – July 20, 2023 7:00 pm
Location:	Sherwood Police Department, Community Room 20495 SW Borchers Drive, Sherwood 97140
Attendees	
P.A.B. Members:	Council Liaison:
Brian Dorsey - Chair	Councilor Kim Young
Laurie Zwingli - Vice Chair	City Staff:
Richard Amicci (TSC Liaison)	Chief Ty Hanlon
Diane Foster	Admin Assistant II-Sabrina Sharp
Lawrence O'Keefe	
Mike Schultz	
Mike Smith	
Chris West	
Vacant	

This meeting will be live streamed at:

<https://www.youtube.com/user/CityofSherwood>

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of June Meeting Minutes (Chair)
4. *Citizen Comments
5. Board Member Announcements (Chair)
6. Business (Chair)
7. Traffic Safety Committee Update (TSC Liaison)
8. Councilor News
9. Staff Report(s)
 - a. Policy Updates – Final Review
10. Adjourn (Chair)

***How to Provide Citizen Comments:** Citizen comments may be provided in person, in writing, or by telephone. Sign-up forms will be available at the meeting for anyone who wishes to provide comments in person. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by email to policeinformation@sherwoodoregon.gov and must clearly state that it is intended as a general Citizen Comment for this meeting. To provide comment by phone during the live meeting, email or call, 503-625-5523, #2, at least 24 hours in advance of the meeting start time in order to receive dial-in instructions. In-person and telephone comments are limited to 4 minutes per person. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their name and by their city of residence." Anonymous comments will not be accepted into the meeting record.

If you require an ADA accommodation for this public meeting, please contact the Sherwood Police Department at (503) 625-5523, #2 or policeinformation@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



Meeting Minutes



Police Advisory Board

Date & Time:	July 20, 2023 - 7:00 pm
Location:	Sherwood Police Department-Community Room 20495 SW Borchers Drive Sherwood, OR 97140

P.A.B. Members:	Council Liaison:
Brian Dorsey - Chair	Councilor Kim Young
Laurie Zwingli - Vice Chair	City Staff:
Richard Amicci (TSC Liaison)	Ty Hanlon – Police Chief
Diane Foster	Sabrina Sharp – Admin Assist II
Lawrence O’Keefe	
Mike Schultz	
Mike Smith	
Chris West	
Vacant	

This meeting was recorded and is available for viewing through the City of Sherwood’s YouTube channel:

<https://www.youtube.com/watch?v=dA4mO1PVfmo>

1. Call to Order

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

2. Roll Call

Board Members Present: Chair Brian Dorsey, Vice Chair Laurie Zwingli, Richard Amicci, Diane Foster, Mike Schultz, and Chris West

Board Members Absent: Lawrence O’Keefe and Mike Smith

Staff Present: Chief Ty Hanlon and Admin Assistant II – Sabrina Sharp

3. Approval of Minutes- June 15, 2023 Meeting Minutes

Chris West moved that the June meeting minutes be adopted as presented. Vice Chair Zwingli seconded the motion. All present board members voted in favor.

4. Citizen Comments

N/A

5. Board Member Announcements (Chair)

Vice Chair Zwingli discussed the SPD mid-year awards/recognition BBQ that occurred the previous day on 7/19 and stated that she enjoyed the atmosphere. She encouraged everyone to attend next year, if possible. She also discussed the upcoming National Night Out event and provided those details to the board.

Mr. West spoke about the PD's presence at Cruisin' and stated that he did not see the PD booth at the recent Robin Hood Festival. Chief Hanlon stated that the booth was in a different location than it was for Cruisin'. Mr. West added that he enjoyed the parade at the festival and liked to see all the officers out and interacting with the community. He also expressed that he was impressed with the new traffic barriers. Chief Hanlon stated that PD staff borrowed the barricades from the Hillsboro Police Department.

Mr. Schultz apologized for missing last month's meeting and Ms. Foster commented on SPD's presence at the Robin Hood Festival and asked if reserve officers from other departments were there to help as well. Chief Hanlon replied that some Beaverton PD reserve officers were there. Ms. Foster added that she enjoyed the department's new live video segment on social media, which has been named "Crimey Chronicles."

Mr. Amicci indicated that he appreciated seeing our officers out and about and commented on the fireworks that he noticed in his neighborhood on the evening of July 4th.

Chair Dorsey spoke on the Robin Hood Festival as well and he stated that the reservists did a great job in directing traffic. He also commented on the Facebook post regarding the car that was vandalized and indicated that a description of any posts with pictures should be added for people who may be sight impaired. Chief Hanlon indicated that some of the posts have been changed for the individual. However, when the pictures have been embedded, it can make it difficult for an app to read the description to a sight impaired individual.

6. Business (Chair / Staff)

Chief Hanlon discussed the hiring updates for the department. He added that there will be two new officers starting next month. One is a lateral officer, and one is a current reserve officer. He also indicated that there are three lateral officer interviews scheduled for the upcoming week. He expressed that the department needs four more officers to replace the three officers who are retiring within the year, and one to replace the patrol officer who is going to fill the second SRO position. He also spoke on the second SRO position and explained that the officer will mainly be at the middle school and both the new SRO and current SRO Wolfer will split their time at the elementary school. He also informed the board that a newer recruit was injured while at the DPSST academy and would be out for the next six to ten months.

Chief Hanlon spoke on the new hire for the evidence technician position and elaborated more on her background with the Yamhill County District Attorney's Office. He added that the current evidence technician, Bill Collins, would backfill until the new hire is trained. He explained that Bill has been splitting the duties between evidence tech and Community Services Officer (CSO), and once the new hire has completed her training, Bill will be a full time CSO. Chief Hanlon indicated that some of Bill's new duties as a CSO would include writing cold theft reports, taking care of abandoned vehicles, and assisting patrol with various tasks.

Chair Dorsey asked for an update on the drones and Chief Hanlon stated that Sergeant Powell has been doing research on the different types. He stated that there are two different models that staff is looking at purchasing. The department would like to buy two drones, if possible. He also added that officers would need to be licensed to use them. Mr. West discussed a recent motorcycle accident that occurred in Portland, which turned into a pursuit. He added that the suspect was apprehended in Gresham by utilizing drones and was impressed by this method. Mr. Schultz was familiar with this case and stated that planes were also used to catch the suspect in this incident.

Chief Hanlon expressed that the department has used drones quite a bit and stated that they are great tools to assist officers in their investigations. He added that many of the nearby agencies already have their drones up and running, so it would be nice to have our department follow suit. Vice Chair Zwingli asked how long the battery life would last. Chief Hanlon replied that the battery would last approximately 50 minutes to an hour in perfect weather conditions.

7. Traffic Safety Committee Update (TSC Liaison)

Mr. Amicci stated that last month was his first Traffic Safety Committee meeting and expressed that it was a very short one. He explained that there was only one new request where a citizen was concerned about a road that was being used by pedestrians as well as vehicles. He added that the city already had a plan in place for signage and learned that electric bikes are supposed to be on roadways, not on sidewalks. He also indicated that all other traffic safety requests were pending, and the pedestrian bridge construction would hopefully begin by Thanksgiving.

Chief Hanlon spoke on the pedestrian bridge and stated that city staff still needs to work out the logistics of the bridge. A brief discussion regarding the pedestrian bridge project took place between the board members and Chief Hanlon.

8. Councilor News

N/A

9. Staff Report(s)

Chair Dorsey asked if Chief Hanlon could release the name of the current reserve officer who will soon be a full-time officer. Chief Hanlon replied that the current reserve officer's name is Chris Sharp, and he has been a reserve officer for the past year. The Chief added that the purpose of

the reserve program is for the department to get to know these officers and to bring reserves on as full-time officers if they desire to do so.

a. Policy Updates - Final Review (See Exhibit “A”)

Chief Hanlon spoke on the new policy updates and stated that the changes are broken down into three types which are: critical, major, and minor. He elaborated and stated that these labels are determined by Lexipol, and a critical change, could possibly be a spacing error of a traffic citation policy change. He added that any changes regarding any chapter that would definitively be critical, such as use of force, or anything that deals with high risk for the officers, he will bring those changes to the board’s attention. Mr. West expressed that he liked the new style of crossing out the old verbiage in red ink, as it makes it easier to determine what changes were made.

Chief Hanlon expressed that moving forward, the department will be on top of any policy changes, so that the board will not be inundated with 100 pages to review. He asked the board members which items they would like to address first and added that one of the main policy changes is the department’s pursuit policy. Mr. West stated that he would like to go over the crowd control section first as he had some questions on it. Chief Hanlon replied that the crowd control guidelines were legislatively mandated on what tools officers could utilize to disperse a crowd. He added that the SPD does not have a team to use these tools, and would have to contact the Washington County Sheriff’s Office to disperse one of their major crimes teams to assist officers with that task. He also added that Washington County must abide by these guidelines as well. Mr. Schultz added that there were some differences in the Portland Police Bureau’s crowd control procedures versus the Multnomah County Sheriff’s Office protocol during the 2020 protests.

Mr. Amicci asked if all other agencies followed the same guidelines when it comes to pursuit procedures. Chief Hanlon replied that there is a pursuit agreement within the County where they either let other agencies pass through the city, or SPD officers jump in and help. However, the maximum number of officers is three vehicles in a pursuit. Mr. West commented that he recently witnessed a Clackamas County Sheriff’s deputy pursuing a suspect through the city, and SPD officers did not aid in the pursuit. He added that the suspect hit a cop car and crashed at Oregon Street. Chief Hanlon stated that Sherwood officers can terminate the pursuit if an outside agency comes into the city. However, there are instances where officers are unaware that another agency may even be in a pursuit in our jurisdiction since not all agencies are on the same radio channel.

Ms. Foster asked how an outside agency would usually notify SPD if there was a current pursuit going towards Sherwood. Chief Hanlon replied that most of the time,

officers from outside agencies will notify dispatch who will then relay that information to our officers. He added that he has noticed recently that drivers have been more reckless and dangerous on the road, which has increased the risk exponentially for officers. He also indicated that in certain cases, it is safer to terminate a pursuit rather than risk further danger to everyone involved. He stated that officers are trained to perform the PIT maneuver, as well as use spike strips to conclude a pursuit safely.

Chair Dorsey asked for clarification regarding the policy involving the deployment of chemical incapacitants, kinetic impact projectiles, or sound devices in section 303.7.1. Chief Hanlon responded and stated that there are certain criteria that needs to be met before deploying any of these tools. Mr. Schultz agreed and stated that in Portland, plenty of warning needs to be given before deploying any type of these tools during a crowd control situation. In this section, Chair Dorsey pointed out that the policy states these tools are not supposed to be used for crowd control. However, it is stated further down in the paragraph that they can be used under certain circumstances. Chief Hanlon expressed that he would have the City Attorney review this section to get some clarification on this.

Mr. West stated that he found the definition to excited delirium in section 431.3 and wanted some clarification on it. Mr. Schutlz replied that this term was most likely removed as it is now deemed a medical term. The policy defines excited delirium as a person who exhibits signs of extreme agitation or engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain. Chief Hanlon indicated that Lexipol has removed this term from all law enforcement policies so that the officers do not use the term and diagnose someone as it is now utilized as an official medical diagnosis.

Mr. West requested some clarification on the immigration policy and why the visa documentation section was removed. Chief Hanlon replied that officers cannot ask about someone's immigration status. He added the officers can go through the steps to identify someone; however, they cannot ask questions regarding any kind of citizenship documents.

Chief Hanlon stated that the there were some changes to the tow policy and added that our agency is a part of the Washington County tow policy, so we also follow their guidelines. Chair Dorsey asked for clarification regarding the policy on abandoned vehicles. Chief Hanlon replied that the officers will first mark the tires, but also must explain why the vehicle is deemed as abandoned. He stated that most times the vehicle does not need to be towed and officers need to verify that car is abandoned. Some of these signs include expired tags, flat tire, missing engine, and other obvious signs to indicate as such.

Chair Dorsey asked if there was a website where citizens could report an abandoned vehicle. Chief Hanlon indicated that the non-emergency dispatch number always needs to be called if someone notices a car that doesn't belong, so that they can notify officers to check it out. He added that there is no harm in calling just for peace of mind.

The Chief discussed the section on investigation and prosecution and spoke on the process for interviewing juveniles, which has been added to the policy due to a recent house bill that was passed. Mr. West asked about Human Resources personnel and was curious if the PD had a separate HR staff or if it was the same for all city employees. Chief Hanlon stated that while the PD and City staff have one HR department, any disciplinary actions taken against an officer are separate from that. He added that if a disciplinary situation arose that was not covered under the Sherwood Police Officer Association (SPOA) contract, then the city's HR staff would handle that situation. Mr. West asked if non-sworn employees of the PD would also be subject to disciplinary action under the PD policy or city policy. Chief Hanlon clarified that that situation would be handled under the city policy, as those employees are not law enforcement personnel.

Chief Hanlon stated that the officer involved shooting, and interview sections were moved and put into the wellness section of the policy, but no other changes were made to those sections. Mr. Amicci stated that he noticed that there were some small changes where the same verbiage was replaced, and asked if that could have been a spacing issue. Chief Hanlon indicated that it was and there are many minute changes in there as well. Mr. West asked about the line of duty deaths section and asked if the chaplain was supposed to be the notifier, and not a command staff function. Chief Hanlon indicated that the chaplains are utilized quite a bit in death notifications. However, if it was a Sherwood officer, command staff would step in.

Chief Hanlon asked if all the board members were okay with the policy changes or if they had any other suggestions or issues with them. Mr. West stated that he liked how efficient the new style was and thought it was a good process.

Mr. West made a motion to accept the proposed policy changes as written and recommended that the council approve these changes, and Ms. Foster seconded the motion. All present board members voted in favor.

10. Adjourn (Chair)

Mr. West made a motion to adjourn the meeting and Ms. Zwingli seconded the motion. All board members voted in favor and the meeting was adjourned at 8:18 p.m.

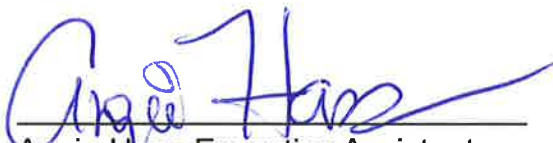
The next meeting is scheduled for August 17th at 7 p.m.

Approval of Minutes:


Chair Brian Dorsey

8/17/2023
Date

Attest:


Angie Hass-Executive Assistant

8/17/2023
Date

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 department 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~~ [ORS 181A.681](#)).

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~~ [ORS 181A.681](#)).

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~~ [ORS 181A.681](#)).

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 department. 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.

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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.

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 (~~2020 Oregon Laws c. 3, § 7~~ [ORS 161.233](#)):

- (a) To make ~~an~~ [a lawful](#) 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~~ [an imminent threat of physical injury](#).

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.

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- (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.

300.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers shall 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) (~~2020 Oregon Laws c. 3, § 7; 2020 Oregon Laws c. 3, § 8~~ [ORS 161.233](#); [ORS 161.242](#)).

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 department-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.

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300.3.7 VERBAL WARNING PRIOR TO USE OF FORCE

Prior to using physical force, if reasonable to do so, officers shall give a verbal warning that physical force may be used and provide a reasonable opportunity to comply (~~2020 Oregon Laws c. 3, § 7;~~ ~~2020 Oregon Laws c. 3, § 8~~ [ORS 161.233](#); [ORS 161.242](#)).

300.3.8 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines as specified in policy 300.3.5..

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify ~~him/~~ ~~herself~~ [the officer](#) as a peace officer and to warn that deadly force may be used, unless the officer 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 (~~2020 Oregon Laws c. 3, § 8~~ [ORS 161.242](#)):

- (a) An officer may use deadly force to protect ~~him/herself~~ [themselves](#) or others from what ~~he/she~~ [the officer](#) 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.
- (c) An officer may use deadly force to make a lawful arrest when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.
- (d) An officer may use deadly force to prevent a person from escaping custody when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

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.

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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.
- (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~~ the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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Based upon the ~~officer's~~ 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.

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 and in accordance with the established records retention schedule.

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- (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 and in accordance with the established records retention schedule.
- (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.

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.

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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

303.1 PURPOSE AND SCOPE

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

303.2 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.

303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

303.4 RESPONSIBILITIES

303.4.1 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.

303.4.2 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.

303.4.3 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.

303.5 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.

303.6 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.

303.7 CROWD CONTROL GUIDELINES

~~Chemical incapacitants as defined by 2021 Oregon Laws, HB 2928 § 2 shall~~ For the purpose of this section, "crowd control" means an operation in which crowds are managed to prevent the outbreak of violence or physical harm to persons, or in which an assembly, protest, or demonstration is dispersed (ORS 181A.708).

Handheld chemical incapacitants and kinetic impact projectiles as defined by ORS 181A.708 shall not be used for crowd control ~~except in circumstances that constitute a riot and the officer using the chemical incapacitant~~ . Tear gas may be used for crowd control when the Shift Supervisor, Incident Commander, or Tactical Negotiations Team (TNT) Commander reasonably believes that the use is necessary to ~~terminate the riot (2021 Oregon Laws, HB 2928 § 2). 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; 2021 Oregon Laws, HB 2928 § 2 prevent death or serious bodily injury or to bring an objectively dangerous and unlawful situation under control (ORS 181A.708).~~

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Prior to deploying tear gas for crowd control purposes, the Shift Supervisor, Incident Commander, or TNT Commander shall direct that the intent to use tear gas be announced twice via reasonable and available means, the second announcement occurring after a reasonable amount of time has elapsed to allow for crowd dispersal (ORS 181A.708).

303.7.1 ADDITIONAL CROWD CONTROL CONSIDERATIONS

Officers may not use ~~a sound device~~ electronically amplified noise-producing equipment for crowd control except to make announcements, facilitate movement of emergency vehicles, or as otherwise allowed by law. When possible, announcements shall be made both audibly and visually (~~2021 Oregon Laws, HB 2928 § 2~~ ORS 181A.708).

After deploying chemical incapacitants, kinetic impact projectiles, or sound devices in a crowd control operation, and when it is possible to do so safely, officers shall (~~2021 Oregon, HB 2928 § 2~~ ORS 181A.708):

- (a) Attempt to take injured individuals to safety or allow them to seek medical help.
- (b) Allow emergency medical personnel to reach injured individuals.
- (c) Take reasonable action to accommodate individuals with disabilities when issuing or enforcing orders to disperse.
- (d) Coordinate the removal of visible debris caused by the use of tear gas and kinetic impact projectiles.
- (e) Make reasonable efforts to notify emergency departments in the vicinity of the type of chemical incapacitants and/or kinetic impact projectiles used.

303.8 OLEORESIN CAPSICUM (OC) GUIDELINES

~~As~~ 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 (ORS 181A.708).

303.8.1 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.

303.8.2 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.

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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.

303.8.3 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.

303.9 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 cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.10 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.10.1 DEPLOYMENT AND USE

Only department-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.

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- (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.

303.10.2 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~~ subject's clothing.
- (d) The ~~subject's~~ subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the ~~subject's~~ 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~~ manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others (~~2021 Oregon Laws, HB 2928 § 2~~ ORS 181A.708).

303.10.3 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

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safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.11 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.

303.12 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.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Police Chief may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the City of Sherwood Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the City of Sherwood Police Department would control the investigation if the suspect's crime occurred in Sherwood.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Police Chief and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will include at least one investigator from another law enforcement agency (ORS 181A.790).

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Police Chief or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Agency or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any SPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional SPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved SPD officer should be given an administrative order not to discuss the incident with other involved officers or SPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Police Chief or a Section Commander.

All outside inquiries about the incident shall be directed to the Shift Supervisor.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Police Chief
- Support Section Section Commander
- Washington County Officer Involved Shooting Protocol rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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- (a) Any request for legal representation will be accommodated.
 - 1. Involved SPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-SPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be confidential only as to the discussion of non-criminal information.
- (d) A mental health professional shall be provided by the Agency. The Agency shall pay for at least two sessions with a mental health professional for each involved SPD officer. The sessions shall take place within six months of the incident, and an involved officer shall attend at least one session. As it relates to this mandatory session, "involved officer" means (ORS 181A.790):
 - 1. An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.
 - 2. An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.
- (e) A mental health professional may also be provided to any other affected SPD members, upon request.
 - 1. Interviews with a mental health professional will be considered privileged.
 - 2. An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (f) Communications ~~with peer counselors are confidential (except threats of suicide or admissions of criminal conduct) and may not be disclosed by any person participating in the peer support counseling session (ORS 181A.835). To be considered confidential communications under the statute, the peer counselor must: Have been designated by SPD or employee assistance program to act as a peer counselor, and; Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment~~ between the involved officer and a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

305.5.6 DUTY ASSIGNMENT RESTRICTIONS

The Agency should not return an involved officer to a duty assignment in which the officer may have to use deadly force for at least 72 hours after an incident where the application of deadly force resulted in the death of a person. The Agency shall maintain the regular pay and benefits for any involved officer whose assignment is adjusted pursuant to this section (ORS 181A.790). As it relates to this duty assignment restriction, "involved officer" means (ORS 181A.790):

- (a) An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.
- (b) An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) SPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of SPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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305.6.1 REPORTS BY INVOLVED SPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved SPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Agency.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

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305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Agency investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Section Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved SPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/ her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Agency to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any involved officer or witness officer, involved in a shooting or death may be permitted, with the exception outlined below, to review their own Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Exception: The District Attorney's Office shall have the option of not allowing the officer(s) to review the audio/video recordings prior to giving a voluntary statement or participating in a voluntary criminal interview.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of, and in the presence of, assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

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305.10 DEBRIEFING

~~Following~~ Following an officer-involved shooting or death, the ~~City~~ City of Sherwood Police Department ~~Department~~ should conduct both a ~~critical incident/stress debriefing~~ Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 ~~CRITICAL INCIDENT/STRESS DEBRIEFING~~

~~A critical incident/stress debriefing should occur as soon as practicable. The Administration Section Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.~~

~~The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.~~

~~Attendance at the debriefing shall only include those members of the Agency directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Agency, including supervisory and Professional Standards Unit personnel.~~

305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Police Chief should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Support Section Section Commander and Public Information Officer in the event of inquiries from the media.

No involved SPD officers shall make any comment to the media unless he/she is authorized by the Police Chief or a Section Commander.

Agency members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual resulted from an officer use of deadly force and occurred in the City of Sherwood Police Department jurisdiction, the Patrol Section Section Commander will ensure

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that the Support Captain is provided with enough information to meet the reporting requirements to the Department of Justice (ORS 181A.790).

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement. This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 POLICE PURSUIT DEFINED DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

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Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is actively attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or recklessly disregarding traffic control devices. Following a driver who is driving in a legal manner and merely but willfully failing to yield (as defined by ORS 811.145) does not constitute a vehicle pursuit. to an officer's emergency signal to stop. _

307.2 OFFICER RESPONSIBILITIES

~~While engaging in a vehicle pursuit Officers must~~ Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law (ORS 801.260).

Officers shall drive with due regard for the safety of all other persons and property. However, ~~while engaging in a vehicle pursuit, officers are not legally required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2):~~

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

307.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect ~~has committed a crime involving violence and/or risk of serious harm to a person and~~ who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

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~~The following factors-~~ Factors that should be considered, both individually and collectively- ~~shall be considered in deciding whether-~~ , when deciding to initiate or continue a pursuit include but are not limited to:

- (a) ~~Seriousness-~~ The seriousness of the known or reasonably suspected crime and its relationship to community safety.- ~~Pursuits shall not be initiated or continued based solely on traffic infractions or minor, non-violent property crimes.~~
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) ~~Whether the identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time. Pursuits shall not be initiated or continued when the identity of the suspect is known, unless the suspect poses an immediate and significant threat to the community.~~
- (d) ~~Safety of the-~~ The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic ~~and (e.g., school zones), and~~ the speed of the pursuit relative to these factors.- ~~Pursuits involving high speeds shall not be initiated or continued in a residential neighborhood, unless there is an immediate and significant threat to the community.~~ Pursuing officer(s)
- (e) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing ~~units-~~ vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (f) ~~Weather~~ Whether weather, traffic, and road conditions ~~that substantially unreasonably increase the danger of the pursuit beyond the worth of apprehending the suspect.~~ Performance- when weighed against the risks resulting from the suspect's escape.
- (g) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit. ~~The emergency equipment present on the vehicles used in the pursuit. Unmarked vehicles shall not engage in pursuits unless authorized by a supervisor.~~
- (i) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (j) Vehicle speeds.
- (k) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders- ~~and-~~ , hostages).- ~~Pursuits shall not be continued if it becomes known that the pursued vehicle is being operated by a juvenile, or if there is a child in the pursued vehicle, unless there is an immediate and significant threat to the child and/or the community.~~ Availability

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- (l) The availability of other resources such as helicopter assistance.
- (m) Whether ~~the police unit~~ the pursuing vehicle is carrying passengers other than ~~police officers on-duty~~ police officers. Pursuits ~~shall not~~ should not be undertaken with ~~a prisoner(s)~~ an arrestee in the ~~police vehicle~~ pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be ~~discontinued~~ terminated whenever the totality of objective circumstances known or which reasonably ought to be known to ~~any officer~~ the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the ~~suspects'~~ suspects' escape. ~~Any sworn member of this agency has the responsibility to terminate any pursuit in this jurisdiction if they believe the risks of the pursuit appear to outweigh the threat to the community and the need to capture the suspect~~

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in ~~WHEN TO INITIATE A PURSUIT~~ are expressly included herein and this policy on when to initiate a pursuit will apply equally to the decision to ~~discontinue as well as the decision to initiate~~ terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense ~~and the need for immediate capture~~ against the potential danger to innocent motorists, themselves, and ~~themselves~~ the public when electing to continue a pursuit. ~~In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicles by pulling to the side of the road and coming to a stop and turning off emergency lights and sirens, or turning the police vehicle around and heading the opposite direction with emergency lights and siren turned off.~~

In addition to the factors ~~listed in the When to Initiate a Pursuit subsection of this policy, the following that govern when to initiate a pursuit, other~~ factors should also be considered in deciding whether to terminate a pursuit, including:

- (a) ~~Distance~~ The distance between the pursuing ~~officers' vehicle~~ and the fleeing ~~vehicles~~ vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time ~~and/~~ or distance.
- (b) ~~Pursued vehicle's~~ The pursued vehicle's location is no longer definitely known ~~because the officer loses sight of it.~~
- (c) ~~Officer's pursuit vehicle is involved in any type of crash or sustains any type of damage.~~
- (d) ~~Extended pursuits of violators for misdemeanors (independent of the pursuit) are prohibited~~ The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (e) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

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- (f) Hazards to uninvolved bystanders or motorists.
- (g) ~~If the~~ The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (h) The identity of the ~~offender-~~ suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, ~~officers shall terminate the pursuit and apprehend the offender at a later time.~~ Direction from a supervisor or other Sherwood officer .
- (i) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.2.3 ~~SPEED LIMITS~~

~~The speed of a pursuit is a factor that should be evaluated on a continuing basis by the pursuing officer, supervisor and any other Sherwood officer. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.~~

~~Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:~~

- ~~(a) Whether the pursuit speeds are unsafe for the surrounding conditions.~~
- ~~(b) Whether the speeds being reached are beyond the driving ability of the officer.~~
- ~~(c) Whether the speeds are beyond the capabilities of the police vehicle thus making its operation unsafe.~~

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.3 ~~PURSUIT~~ UNITS VEHICLES

~~Pursuit units~~ When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two ~~vehicles;~~ however pursuit vehicles and the supervisor vehicle). However, the number of ~~units-~~ vehicles involved will vary with the circumstances.

An officer or supervisor may request additional ~~units-~~ vehicles to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers ~~should-~~ shall stay out of the pursuit, ~~but~~ should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

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307.3.1 ~~MOTORCYCLE OFFICERS~~ MOTORCYCLES

~~Police motorcycles shall not engage in pursuits unless authorized by a supervisor. A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical. When involved in a pursuit, police motorcycles should be replaced by marked emergency vehicles as soon as practicable.~~

307.3.2 VEHICLES WITHOUT ~~OVERHEAD LIGHT BARS~~ EMERGENCY EQUIPMENT

~~Department Officers operating~~ vehicles not equipped with emergency lights and ~~sirens~~ siren are prohibited from initiating or joining in any pursuit, ~~unless there is no other reasonable alternative and either authorized by a supervisor or human life is in immediate danger. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.~~ Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.3.3 PRIMARY ~~UNIT~~ PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing ~~unit~~ officer will be designated as the primary pursuit ~~unit~~ vehicle and will be responsible for the conduct of the pursuit unless ~~it~~ the officer is unable to remain reasonably close ~~enough~~ to the ~~violation's~~ suspect's vehicle. The primary responsibility of the ~~primary officer initiating the~~ pursuit ~~unit~~ is the apprehension of the ~~suspects~~ suspect without unreasonable danger to themselves or ~~other persons~~ others.

~~The pursuing officer shall notify Dispatch that a~~ primary pursuing officer should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, ~~by clearly stating their patrol number followed by, "I'm in pursuit", and~~ and as soon as ~~practical~~ practicable provide information including ~~,~~ but not limited to:

- ~~(a) Reason for the initial traffic stop.~~
- ~~(b) Location and direction of travel.~~
- ~~(c) Speed of the fleeing vehicle.~~
- ~~(d) Description of the fleeing vehicle and license number, if known.~~
- ~~(e) Number of known occupants.~~
- ~~(f) The identity or description of the known occupants.~~
- ~~(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.~~
- (h) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (i) The description of the suspect's vehicle including the license plate number, if known.
- (j) The reason for the pursuit.

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- (k) [The use of firearms, threat of force, violence, injuries, hostages, or other unusual hazards.](#)
- (l) [The number of occupants and identity or description.](#)
- (m) [The weather, road, and traffic conditions.](#)
- (n) [The need for any additional resources or equipment.](#)
- (o) [The identity of other law enforcement agencies involved in the pursuit.](#)

[Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to to an officer in a secondary unit or aircraft joining the pursuit, unless practical circumstances indicate otherwise pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.](#)

307.3.4 SECONDARY ~~UNITS~~ [PURSUIT VEHICLE](#) RESPONSIBILITIES

The second officer in the pursuit [will be designated as the secondary pursuit vehicle and](#) is responsible for ~~the following: The officer in the secondary unit should immediately notify the dispatcher of~~

- (a) [Immediately notifying the dispatcher of his/her](#) entry into the pursuit.
- (b) [Remaining](#) a safe distance behind the primary

~~- unit~~

- (a) [pursuit vehicle](#) unless directed to assume the role of primary
- (b) [pursuit vehicle](#), or if the primary

~~- - unit~~

- (a) [pursuit vehicle](#) is unable to continue the pursuit
- (b) [.](#)
- (c) [Broadcasting information that the primary pursuing officer is unable to provide.](#)
- (d) [Broadcasting the](#) progress of the pursuit, [updating known or critical information and providing changes in the pursuit,](#) unless the situation indicates otherwise.
- (e) [Identifying the need for additional resources or equipment as appropriate.](#)
- (f) [Serving as backup to the primary pursuing officer once the suspect has been stopped.](#)

307.3.5 ~~PURSUIT DRIVING TACTICS~~

~~The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:~~

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- (a) ~~Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards and/or react safely to maneuvers by the fleeing vehicle.~~
- (b) ~~Because intersections can present increased risks, the following tactics shall be used when possible:~~
 - 1. ~~Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.~~
 - 2. ~~Pursuing units should exercise due caution when proceeding through controlled intersections.~~
- (c) ~~Officers shall not pursue a vehicle driving left of center (wrong way) on any roadway. In the event that the suspect vehicle does so, the following tactics should be considered:~~
 - 1. ~~Requesting assistance from an air unit.~~
 - 2. ~~Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.~~
 - 3. ~~Requesting other units to observe exits available to the suspects.~~
 - 4. ~~Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.~~
- (d) ~~Officers involved in a pursuit shall not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.~~

307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

~~There should be no paralleling of the pursuit route. Officers are authorized and encouraged to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor or officer in charge.~~

~~Non-pursuing personnel assigned to assist at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless directed otherwise by a supervisor.~~

~~The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit, or as directed by a supervisor.~~

307.3.7 PURSUIT TRAILING

~~In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor or officer in charge, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.~~

~~The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing~~

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~~unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.~~

307.4 SUPERVISORY CONTROL AND ~~RESPONSIBILITY~~ RESPONSIBILITIES

~~It is the policy of this department that available supervisory, management and/or agency~~ Available supervisory and management control will be exercised over all vehicle pursuits ~~in~~ involving officers from this jurisdiction. ~~This control can be exercised by any sworn member of the agency.~~ department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor ~~, or if unavailable, the officer in charge, or if need be any officer,~~ will be responsible for ~~the following~~:

- (a) ~~Upon becoming aware of a pursuit, immediately~~ Immediately notifying involved officers and the dispatcher of supervisor presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the ~~number of required police units needed~~ required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in ~~his/her~~ the field supervisor's judgment, it is ~~unjustified~~ not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that ~~aircraft are requested~~ assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Supervisor is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this ~~agency~~ department.
- (j) ~~Control and manage SPD units~~ Controlling and managing City of Sherwood Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit ~~critique~~ review and ~~analysis~~ documentation of the pursuit ~~for training purposes (supervisors only)~~ as required.

307.5 ~~COMMUNICATIONS~~ DISPATCH

~~If~~ If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or ~~communications dispatcher~~ dispatcher. If the pursuit leaves the jurisdiction of this ~~department~~ department or such is imminent,

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involved ~~units~~ officers should, whenever available ~~and reasonable~~, switch radio communications to ~~an~~ a tactical or emergency channel most accessible by participating agencies ~~and units~~.

307.5.1 ~~COMMUNICATION CENTER~~ RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, ~~Dispatch will~~ the dispatcher is responsible for:

- (a) ~~Clear~~ Clearing the ~~channel on which the pursuit is being broadcast~~ radio channel of nonemergency traffic.
- (b) ~~Coordinate~~ Coordinating pursuit communications of the involved ~~units and personnel~~ officers.
- (c) ~~Notify and coordinate with other involved or affected agencies as practical.~~
- (d) ~~Ensure~~ Broadcasting pursuit updates as well as other pertinent information as necessary.
- (e) Ensuring that a field supervisor is notified of the pursuit.
- (f) ~~Assign an incident number and log all pursuit activities.~~
- (g) ~~Broadcast pursuit updates as well as other pertinent information as necessary.~~
- (h) ~~Notify~~ Notifying and coordinating with other involved or affected agencies as practicable.
- (i) Notifying the Shift Supervisor as soon as ~~practical~~ practicable.
- (j) Assigning an incident number and logging all pursuit activities.

307.5.2 ~~LOSS OF PURSUED VEHICLE~~

~~When the pursued vehicle is lost or no longer in sight, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.~~

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

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- (c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle on the correct side of the roadway.
 - 3. Request other officers to observe exits available to the suspect.
 - 4. Notifying the Oregon State Police (OSP) or other law enforcement agency when it appears that the pursuit may enter its jurisdiction.
- (d) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 [OFFICERS_DEPUTIES] NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned area, should not parallel the pursuit route and should not become involved with the pursuit unless directed by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

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Non-pursuing members needed at the pursuit termination point should respond in a nonemergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 ~~INTER-JURISDICTIONAL~~ INTERJURISDICTIONAL CONSIDERATIONS

~~When~~ When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, ~~and in accordance with Inter-Agency Pursuit Agreements, shall request, when appropriate,~~ should determine whether or not to request the other agency to assume the pursuit. ~~If that agency refuses to assist the pursuit shall be terminated unless authorized by a supervisor to continue. Anytime a pursuit enters, or is expected to enter another jurisdiction, no matter how~~ Unless entry into another jurisdiction is expected to be brief, it is ~~required~~ generally recommended that the primary ~~officer~~ pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether ~~or not such~~ the jurisdiction is expected to assist.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

~~Units originally involved will discontinue~~ Officers will relinquish control of the pursuit when ~~advised that~~ another agency has assumed the pursuit ~~and~~ , unless the continued assistance of ~~this agency is no longer needed. Upon discontinuing~~ the City of Sherwood Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the ~~primary unit~~ involved officers may proceed ~~upon request~~, with ~~or at the direction of a supervisor or officer in charge~~ supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The role and responsibilities of officers at the termination point of a pursuit initiated by this ~~agency~~ department shall be coordinated with appropriate consideration of the ~~units from~~ needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit ~~must be specific.~~ should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

~~In the event that a pursuit from another agency enters this jurisdiction, the on-duty supervisor, or officer in charge, or if unavailable, any police officer, shall request the pursuit be terminated~~

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~~anytime it is determined the risks of continuing outweighs the need for capture, in accordance with policy 307.2.2.~~

The agency that initiates a pursuit shall be responsible for conducting the pursuit. ~~Units- Officers~~ from this department shall not department should not join a pursuit unless specifically requested to do so by the pursuing agency ~~whose officers are in pursuit and authorized by a supervisor or officer in charge. Only a supervisor can authorize officers from this agency to take over a pursuit from another agency.~~ and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this ~~department-~~ department to assist or take over a pursuit ~~from another agency~~ that has entered ~~this jurisdiction~~ the jurisdiction of the City of Sherwood Police Department, the supervisor should consider ~~the following additional factors:~~

~~Ability to maintain the pursuit.~~ Circumstances

:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) ~~Adequate~~
Whether there is adequate staffing to continue the pursuit.
- (e) The
~~- public's safety within this jurisdiction.~~
- (f) ~~Safety of the pursuing officers.~~
- (g) ability to maintain the pursuit.

As soon as practical, a supervisor or the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor or supervisor, after consideration of the above factors, may decline to ~~take over~~ assist in, or assume the other agency's pursuit.

~~Officers from this agency may assist the pursuing agency by warning cross traffic at intersections along the pursuit route and deploying spike strips when authorized by a supervisor or officer in charge.~~

Assistance to a pursuing ~~allied~~ agency by officers of this ~~department-~~ department will ~~generally terminate-~~ conclude at the City limits; ~~ongoing~~ , provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this ~~department-~~ department may continue only ~~when authorized by a supervisor or officer in charge~~ until sufficient assistance is present.

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In the event that the termination point of a pursuit from another agency ~~terminates- is~~ within this jurisdiction, officers shall provide appropriate assistance ~~to officers from the allied agency~~ , including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.7 PURSUIT INTERVENTION

Pursuit

~~- Intervention~~

~~Pursuit~~ intervention is an attempt to ~~terminate- stop~~ the suspect's ability ~~of a suspect~~ to continue to flee in a ~~motor~~ vehicle through tactical application of technology, ~~road spikes tire deflation devices~~, blocking or vehicle intercept, boxing-in, the PIT- (Pursuit Intervention Technique), ramming or roadblock procedures. ~~In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.~~

307.7.1 WHEN USE IS AUTHORIZED

~~Officers are authorized to use only the intervention tactics they have been trained to use~~ Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the ~~risks- risk~~ of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. ~~The- With this in mind, the~~ decision to use any intervention tactic should be reasonable in light of the circumstances ~~confronting- apparent to~~ the officer at the time of the decision ~~and must be authorized by a supervisor or officer in charge, as outlined in policy 307.7.4.~~

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

307.7.2 DEFINITIONS

~~**Blocking or Vehicle Intercept** -- A very low speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a slow moving or stopped suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.~~

~~**Boxing-in** -- A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.~~

~~**Ramming** -- The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.~~

~~**Roadblocks** -- A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle. This tactic is also often referred to as a barricade or blockade.~~

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~~Pursuit Intervention Technique (PIT) -- is a low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit~~

~~Spike Strips -- A device that extends across the roadway designed to puncture the tires of the pursued vehicle.~~

307.7.3 USE OF FIREARMS

~~The~~ The use of firearms to disable a pursued vehicle is not generally an effective tactic ~~;~~ and involves all the dangers associated with discharging firearms ~~and is prohibited~~. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances ~~dictate that such use reasonably appears necessary to protect life~~ meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm ~~in extreme circumstances when deadly force is justified~~ to stop a suspect from using a vehicle as a deadly weapon.

307.7.4 INTERVENTION STANDARDS

Any ~~pursuit~~ intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to the ~~requirements for~~ policies guiding such use. ~~Considerations include: Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.~~

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a
- (b) threat to public safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this

~~-- technique~~

- (a) intervention tactic should only be employed
- (b) by properly trained officers and after giving consideration to the following:

~~--~~

- (a) 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the
- (b) 1. risk of injury or death to occupants of the suspect vehicle, officers, or

~~-- other members of the public~~

- (a) 1. others.
- 2. All other reasonable intervention
- (b) 1. tactics have failed or reasonably appear ineffective.

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2. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to

~~-- officer~~

- (a) 1. those involved or the public
- (b) 1. .
2. The

~~-- target~~

- (a) 1. suspect vehicle is stopped or traveling at a low speed.
- (b) 1. Only law enforcement vehicles should be used

~~- to deploy~~

- (a) 1. in this
- (b) 1. tactic.

~~- Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with~~

- (a) The PIT is limited to use by properly trained officers with the approval of a supervisor
- (b) and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public, and occupants of the pursued vehicle.
- (c) Ramming a

~~-- suspect vehicle, whether fleeing or not shall be considered a use of deadly force and the tactic shall only be used when the suspect has committed a violent felony, presents an immediate and significant threat to the community, all other alternatives have been exhausted and there exists a need for immediate apprehension to save lives and/or protect the community. Ramming must have prior supervisor approval. Boxing In. As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit~~

- (a) fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

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- (b) Boxing-in a suspect vehicle should only be attempted upon approval of a supervisor.
The use of such a

- (c) tactic must be carefully coordinated with all involved

~~-- units~~

- (a) officers, taking into consideration the circumstances and conditions
- (b) apparent at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

~~- Spike Strips. The use of spike strips shall be approved in advance by a supervisor or officer in charge and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the~~

- (a) Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (b) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the deployment, and in a manner that:
 - 1. Should reasonably only affect the pursued vehicle.
 - 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 - 3. Takes into account the limitations of such devices as well as the potential
- (c) 1. risk to officers, the public, and occupants of the pursued vehicle.

~~-- Officers shall not use spike strips if the~~

- (a) 1.
- 2. Takes into account whether the pursued vehicle is a motorcycle,
- (b) 1. a vehicle transporting hazardous materials, or a school bus transporting children.
- (c) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers, or the public.

307.7.5 CAPTURE OF SUSPECTS

~~Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force,~~

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~~which reasonably appears necessary under the circumstances, to properly perform their lawful duties.~~

~~Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.~~

307.8 REPORTING REQUIREMENTS

~~Reports should~~ All appropriate reports shall be completed to comply with appropriate ~~local and state regulations~~ laws and policies or procedures:

- (a) The primary pursuing officer shall complete appropriate ~~agency crime/arrest~~ reports ~~A~~.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a ~~pursuit review~~ supervisor's log or interoffice memorandum, briefly summarizing the pursuit to his/her department manager to evaluate the pursuit in terms of Department policy. The review shall minimally contain the following information: the Police Chief or the authorized designee. This log or memorandum should include, at a minimum:
 - 1. Date and time of pursuit.
 - 2. Initial reason and circumstances surrounding the pursuit.
 - 3. Length of pursuit in distance and time, including the starting and termination points.
 - 4. Involved ~~units~~ vehicles and officers.
 - 5. ~~Initial reason for pursuit.~~
 - 6. ~~Starting and termination points.~~
 - 7. ~~Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.~~
 - 8. ~~Injuries and/or property damage.~~
 - 9. ~~Medical treatment.~~
 - 10. ~~Name of supervisor at scene.~~
 - 11. ~~A preliminary determination, simply stating whether or not~~ Alleged offenses.
 - 12. Whether a suspect was apprehended, as well as the means and methods used.
 - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 - 13. Arrestee information, if applicable.
 - 14. Any injuries and/or medical treatment.

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15. Any property or equipment damage.
16. Name of supervisor at the scene or who handled the incident.
17. A preliminary determination that the pursuit appears to be in compliance with this policy ~~.Determine the need for any~~ or that additional review and/or follow-up is warranted.
18. After receiving copies of reports, logs, and other pertinent information, the Police Chief or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
19. Annually, the Police Chief should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training needs.

~~307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING~~

~~In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. It shall be the responsibility of the Patrol Commander to ensure the training takes place.~~

~~307.8.2 POLICY REVIEW~~

~~Each member of this department shall acknowledge that they have received, read and understand this policy initially and upon any amendments.~~

~~307.8.3 ANNUAL REVIEW~~

~~During the first calendar quarter of each year, the Patrol Section Commander will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.~~

307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that

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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.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.13 PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.14 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

307.15 ANNUAL REVIEW

During the first calendar quarter of each year, the Patrol Section Section Commander will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

This policy also applies to department elected officials (ORS 243.319).

315.2 POLICY

The City of Sherwood Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Agency will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Agency will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Agency may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Agency prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on 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 (ORS 659A.030; ORS 659A.082; ORS 659A.112).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to the department policy and to a work environment that is free of discrimination.

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315.3.2 SEXUAL HARASSMENT

The Agency prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Agency and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Police Chief, the Human Resources Manager, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
 - 1. Unless a member objects in writing, a supervisor designated by the Police Chief shall follow up with a member once every three months for a year following the date on which the member reported the incident to determine whether the alleged harassment has stopped or if the member has experienced retaliation (ORS 243.321).
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Police Chief or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Agency and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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315.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Police Chief, the Human Resources Manager, or the City Manager for further information, direction, or clarification.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Agency that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Police Chief, the Human Resources Manager, or the City Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Agency. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Police Chief. The outcome of all reports shall be:

- Approved by the Police Chief, the City Manager, or the Human Resources Manager, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Agency.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

315.8 ADDITIONAL REQUIREMENTS

The Human Resources Manager should consult with the City [Department of Human Resources manager- Human Resources Manager](#) to ensure that all required notifications regarding unlawful employment discrimination are available to ~~all employees.~~ [former, current, and prospective employees, as appropriate \(ORS 243.319; ORS 243.323\).](#)

When any member complains about discriminatory harassment, the person receiving the complaint should provide a copy of this policy to the member (ORS 243.319).

A member may file a complaint with the Bureau of Labor and Industries and also may have other legal remedies under Oregon law (ORS 243.319).

- (a) Administrative complaints regarding federal discrimination claims must be filed within 300 days of the alleged unlawful employment practice (42 USC §2000e-5(e)(1)).
- (b) Administrative complaints regarding state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.820(3)).
- (c) A civil lawsuit alleging state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.875).
- (d) A civil lawsuit alleging federal discrimination claims must be filed within 90 days of the receipt of a right to sue letter from the Bureau of Labor and Industries and/or the EEOC (42 USC §2000e-16(c)).
- (e) The statute of limitations periods for crimes related to sexual harassment vary from two to 12 years.

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- (f) Claims made against the City of Sherwood Police Department require advance notice pursuant to ORS 30.275 (ORS 243.319).

A member may file a complaint with the Agency within four years from the date of the alleged incident or within the time limitation specified in ORS 659A.875, whichever is greater (ORS 243.321).

A member who believes the member has been subjected to workplace harassment may access available community services and any support services provided by the Agency, such as the employee assistance program (ORS 243.~~321~~ 319).

No member will be required or coerced into a nondisclosure (confidentiality) or nondisparagement (an agreement not to say anything negative about the City of Sherwood Police Department or its members in any form of communication) agreement. A member may voluntarily enter into an agreement that contains a nondisclosure or nondisparagement provision and has a minimum of seven days to revoke said agreement (ORS 243.~~321~~ 323).

Briefing~~Training~~

402.1 PURPOSE AND SCOPE

~~Briefing training is generally conducted before a patrol officer's assigned shift. Briefing training provides an opportunity for important exchange between employees and supervisors. A supervisor generally conducts Briefing training; however officers may conduct Briefing for training purposes with supervisor approval.~~

~~Briefing should accomplish, at a minimum, the following basic tasks:~~

- ~~(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations~~
- ~~(b) Notifying officers of changes in schedules and assignments~~
- ~~(c) Notifying officers of new Departmental Directive or changes in Departmental Directive~~
- ~~(d) Reviewing recent incidents for training purposes~~
- ~~(e) Providing training on a variety of subjects~~

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 PREPARATION OF MATERIALS

The supervisor conducting ~~Briefing~~ briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in ~~his or her~~ the supervisor's absence or for training purposes.

402.2 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 ~~RETENTION OF BRIEFING TRAINING RECORDS~~

~~Briefing training materials and a curriculum or summary shall be forwarded to the Support Captain for inclusion in training records, as appropriate.~~

402.3 [BRIEFING]

All sections and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among department members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in the supervisor's absence or for training purposes.

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Briefing

Briefing should include but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
 - 1. Wanted persons.
 - 2. Crime patterns.
 - 3. Suspect descriptions.
 - 4. Intelligence reports and photographs.
 - 5. Community issues affecting law enforcement.
 - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

402.3.1 RETENTION OF [BRIEFING] TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Support Captain for inclusion in training records, as appropriate.

402.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the City of Sherwood Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the City of Sherwood Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

413.4 DETENTIONS

This department does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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Immigration Violations

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

An officer should notify a supervisor as soon as practicable whenever an individual is being detained or arrested for a criminal immigration violation.

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.4.2 IMMIGRATION INQUIRIES PROHIBITED

An officer shall not inquire into an ~~individual's~~ individual's immigration status, citizenship status, or country of birth except where allowed by law (~~2021 Oregon Laws, H.B. 3265 § 2~~ ORS 181A.823).

413.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure individuals who are detained receive an explanation in writing, with interpretation into another language if requested, of the following (~~2021 Oregon Laws, H.B. 3265 § 2~~ ORS 181A.823):

- (a) The ~~individual's~~ individual's right to refuse to disclose the ~~individual's~~ individual's nationality, citizenship, or immigration status.
- (b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Agency may provide available support services (unrelated to immigration enforcement), such as peacekeeping efforts (~~2021 Oregon Laws, H.B. 3265 § 3~~ ORS 181A.826).

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Immigration Violations

413.6.1 FEDERAL IMMIGRATION ENFORCEMENT REQUESTS AND DOCUMENTATION

Any requests from federal immigration officials for assistance relating to immigration enforcement (other than a judicial subpoena) shall be declined and the communication or request shall be documented. The documentation shall be forwarded to the Police Chief or the authorized designee. The Police Chief or the authorized designee should ensure the documentation is forwarded to the Oregon Criminal Justice Commission (OCJC) as prescribed by the OCJC (~~2021 Oregon Laws, H.B. 3265 § 3~~ [ORS 181A.826](#)).

413.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373, ~~2021 Oregon Laws, H.B. 3265 § 2~~ ; [ORS 181A.823](#)):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under Oregon State Law.

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.7.2 NON-DISCLOSURE OF CERTAIN INFORMATION

Except as required by state or federal law, members should not disclose for the purpose of enforcement of federal immigration laws the following information about a person or his/her known relatives or associates, whether current or otherwise (ORS 180.805):

- (a) The person's address
- (b) The person's workplace or hours of work
- (c) The person's school or school hours
- (d) The person's contact information, including telephone number, email address, or social media account information
- (e) The identity of known associates or relatives of the person
- (f) The date, time, or location of a person's hearings, proceedings, or appointments with the Agency that are not matters of public record

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Immigration Violations

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.8.1 DENIAL OF CERTIFICATION

If certification is denied, the Investigation Unit supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

413.8.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Investigation Unit supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

413.8.3 ~~U-VISA AND T-VISA DOCUMENTATION~~

~~The Investigation Unit supervisor shall collect written documentation regarding the number of certification forms that are (2019 Oregon Laws, c. 472, § 2):~~

- ~~(a) Requested by a victim.~~
- ~~(b) Granted.~~
- ~~(c) Denied, with the reason for denial.~~

~~The Investigation Unit supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Section for annual reporting to the OCJC.~~

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Immigration Violations

413.9 TRAINING

The Support Captain should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

431.2 POLICY

It is the policy of the City of Sherwood Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs
- (e) 1. of

~~-- excited delirium or other agitated chaotic behavior~~

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Medical Aid and Response

- (a) 1. [extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.](#)

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

431.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

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431.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

431.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

431.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Section Section Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Agency should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.

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- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

431.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a course with published standards and guidelines for CPR and the use of an AED.

431.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Support Captain who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

431.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

431.9.3 AED TRAINING AND MAINTENANCE

The Support Captain should ensure appropriate training is provided to members authorized to use an AED.

The Support Captain is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

431.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocols specified by the physician who prescribed the overdose medication for use by the member.

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Medical Aid and Response

431.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Support Captain.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

431.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Support Captain will ensure that the Support Captain is provided enough information to meet applicable state reporting requirements.

431.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Support Captain should ensure training is provided to members authorized to administer opioid overdose medication.

431.11 ADMINISTRATION OF EPINEPHRINE

In an emergency situation when a licensed health care professional is not immediately available, members who have successfully completed educational training for severe allergic responses may administer epinephrine (ORS 433.825).

431.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Support Captain.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

431.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

431.11.3 EPINEPHRINE TRAINING

The Support Captain should ensure that training is provided to members authorized to administer epinephrine (ORS 433.815; ORS 433.817; OAR 333-055-0030).

431.12 FIRST AID TRAINING

The Support Captain should ensure officers receive first aid training appropriate for their position and as required by DPSST certification standards.

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Medical Aid and Response

431.13 MEDICAL ATTENTION FOR RESTRAINED PERSONS

When an officer encounters a restrained person suffering a respiratory or cardiac compromise, the officer shall request EMS services immediately if (~~2021 Oregon Laws c.294 § 2~~ [ORS 133.518](#)):

- (a) It is tactically feasible to make the request.
- (b) The officer has access to communications.

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides ~~the procedures for towing a vehicle by or at the direction of the City of Sherwood Police Department~~ guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 RESPONSIBILITIES

~~The responsibilities of those officers towing a vehicle are as follows:~~

502.2.1 VEHICLES CONSTITUTING A HAZARD OR OBSTRUCTION

Officers may take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended when it creates a hazard or obstruction. Hazards and obstructions may include vehicles that are (ORS 819.120):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.
- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway (ORS 819.120 (2)(b)).

Officers should use sound judgment in balancing the need to correct a hazardous situation with the potential hardship to a vehicle owner/operator before towing such a vehicle.

Officers impounding a vehicle shall complete a Vehicle Inventory Form (tow form). A copy is to be given to the tow truck operator and the original is to be submitted along with the incident report to the Records Section as soon as practicable after the vehicle is stored.

Records Division personnel or the towing officer shall promptly enter pertinent data from the completed tow report into the state's Law Enforcement Data Systems (LEDS).

Once a tow report is approved and forwarded to the Records Section, it shall be placed into the auto-file at the front desk to be immediately available for release or for information should inquiries be made.

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the no preference towing company list in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Agency to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a no preference towing company. The officer will then have the vehicle towed to the tow company's storage lot for safekeeping, and complete a Vehicle Inventory Form (tow form).

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502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Police Agency should not be driven by police personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

502.2.4 NOTICE TO OWNERS

Once the vehicle is impounded, records personnel shall mail a copy of the report along with information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released (ORS 819.180). The notice shall include:

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

502.2 POLICY

The City of Sherwood Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 TOWING SERVICES

~~The _____ City _____ of Sherwood participates in the Washington County Tow contract, which establishes a tow list. This tow list will be used in the following situations:~~

- ~~(a) When a vehicle is being held as evidence in connection with an investigation~~

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- (b) ~~When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations~~

~~Nothing in this policy shall require the Department to tow a vehicle.~~

502.3.1 NO PREFERENCE TOW SERVICES

The Sherwood Police Department participates in the Washington County Tow contract to establish a tow list when a citizen needs towing but has no preference as to which service to call.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to Washington County for investigation. The department may periodically review the performance of each authorized no preference operator.

The department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, the tow list will be used..

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

502.3 **NOTICE PRIOR TO TOW**

When circumstances permit, (e.g., when towing a vehicle for parking or registration violations and the vehicle does not constitute a hazard), the Records Section should make a good-faith effort to provide notice that is reasonably calculated to apprise the owner of the vehicle that it is subject to towing and impoundment.

502.4 **IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS**

~~Officers should impound vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under ORS 133.535. State law requires the impounding officer to take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).~~

~~Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence. If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).~~

502.4 **REMOVAL OF VEHICLES DUE TO HAZARD**

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Agency members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member when the vehicle is (ORS 819.120):

- (a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.

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- (b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway.

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

502.5 IMPOUND AT ARREST SCENES

~~Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene):~~

~~While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.~~

~~The following are examples of situations where the arrestee's vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:~~

- ~~• The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.~~
- ~~• When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.~~
- ~~• Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.~~

~~In such cases, the handling employee shall inform the arrestee and note in the report that the Agency will not be responsible for theft or damages.~~

502.5 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering

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whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed (ORS 809.720):

- The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Agency will not be responsible for theft or damages.

502.6 VEHICLE INVENTORIES

~~The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:~~

- ~~An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.~~
- ~~In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:~~
 - ~~Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked glove compartments, unlocked vehicle trunks and unlocked car top containers.~~
 - ~~Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.~~
- ~~Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.~~

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- (d) ~~Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.~~
- (e) ~~Any valuables, to include cash in excess of \$10 or property valued at more than \$200, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.~~
- (f) ~~The inventory is not a search for evidence of a crime, however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.~~
- (g) ~~Tow truck operators are to receive a copy of the tow report.~~

~~These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Agency against fraudulent claims of lost, stolen, or damaged property.~~

502.6 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence (ORS 133.535).

Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, as long as the vehicle is not needed for evidence.

502.6.1 STATE REQUIREMENTS

The impounding officer should take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

502.7 VEHICLE SEARCHES

~~Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and an officer's familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.~~

~~Because circumstances under which a warrantless search of a vehicle might be permissible are very limited, and because vehicle searches are subject to many restrictions, officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.~~

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502.7 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.7.1 VEHICLE STORAGE REPORT

Agency members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the [recordsBureau] as soon as practicable after the vehicle is towed.

502.7.2 NOTICE AFTER TOW

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the [recordsBureau] to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

- (a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority; and the statute, ordinance, or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor, or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

502.8 SECURITY OF VEHICLES AND PROPERTY

~~After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the officer should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions):~~

~~If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards:~~

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502.8 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Agency. A rotation or other system established by the Agency for tow services should be followed.

502.9 RELEASE CRITERIA

~~A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle upon compliance with the following:~~

- ~~(a) Proof that a person with valid driving privileges will be operating the vehicle.~~
- ~~(b) Proof of compliance with financial responsibility requirements for the vehicle.~~
- ~~(c) Payment of the City of Sherwood Police Department administrative fee and any towing and storage charges.~~
- ~~(d) A security interest holder in the vehicle is not required to comply with (a) and (b) and may obtain release by paying the administrative fee, towing and storage fees.~~

502.9 VEHICLE INVENTORIES

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including but not limited to unlocked glove compartments, unlocked vehicle trunks, and unlocked car-top containers.
- (c) Any locked compartments, including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers, should be inventoried, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

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Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members, and protecting the Agency against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.9.1 OPPORTUNITY TO REMOVE PROPERTY

In the event that the owner, operator, or occupant of a vehicle to be impounded is present at the scene and not subject to arrest, the officer shall provide notice and opportunity to that person to take readily retrievable personal belongings (e.g., purse, backpack, cigarette pack) from the vehicle that are not considered evidence or contraband.

502.10 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Agency in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

Investigation and Prosecution

600.1 POLICY

Best Practice

It is the policy of the City of Sherwood Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2 INITIAL INVESTIGATION

Best Practice

600.2.1 OFFICER RESPONSIBILITIES

Best Practice

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.2.2 NON-SWORN MEMBER RESPONSIBILITIES

Best Practice

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.2.3 INTERVIEWS OF CHILD WITNESSES

State **MODIFIED**

The Support Section Section Commander or the authorized designee is responsible for the development of child witness interview procedures that include parental notification and account for child safety. For purposes of this subsection, a child witness is an unmarried person who is under the age of 18 and who is not the victim of, suspect in, or related to the suspect in a child welfare, criminal, or delinquency investigation (2021 Oregon Laws, c.335).

600.2.4 INTERVIEW OF CHILD SUSPECT

A. Interviewing Juveniles

1. Any time a juvenile is in custody, may otherwise feel he or she is not free to leave the interview, or is compelled to speak, the officer will advise the juvenile of his or her constitutional rights.

a. The officer should take steps to make sure the information provided by the juvenile is voluntary.

b. The officer should take into consideration the juveniles' age, intelligence, experience, education, background, and recent drug and alcohol use, sleep deprivation, and whether the juvenile has the competency to

understand the Miranda warnings and/or the consequences of waiving these constitutional rights.

c. The officer should not make any promises or threats to the juvenile during the interview.

d. The interaction between the officer and the juvenile should not be antagonistic or oppressive.

e. The officer should see that the juvenile is allowed to discuss the matter with a reasonable degree of comfort. Reasonable request for food, drink and use of restroom should be honored.

f. Juvenile interviews should be reasonable in duration with appropriate breaks.

g. The officer should not intentionally use information known by the officer to be false to elicit a statement from the juvenile Pursuant to SB418 (2021), a statement made by a juvenile in connection with a misdemeanor

or felony will be "presumed to be involuntary...if the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement."

2. If, at any time during the interview, the juvenile asks to speak with his/her parent or guardian before answering questions, the officer should discontinue questioning until the juvenile has been given the opportunity. Unless

the juvenile specifically invokes the right to remain silent, the officer may continue questioning after a parental consultation, but should give advice of rights again before resuming the questioning. The officer should take

care that the parent is not asked to be an agent of the police during the parental consultation.

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3. If, at any time a juvenile is in police custody or is being interviewed by the police, and the juvenile's parent or guardian contacts the police to invoke the juvenile's right to remain silent; the youth shall be informed of the his/her/their parent's request that he/she/they remain silent.

- - 4. In order to minimize disruption at school and in cooperation with school officials, officers who interview or arrest a student at school should comply with procedures established by the school district involved, so long as

those procedures do not conflict with law enforcement's statutory authority. Officers shall ensure parental notification is made within a reasonable amount of time when a child is interviewed as a suspect in a criminal

investigation. This notification can be made before or after the interview, depending on the circumstances surrounding the investigation.

5. Pursuant to SB386 (2021), unless the child's safety would be compromised, officers who interview a child as a witness (not a victim or suspect) to a child welfare, criminal, or delinquency investigation are required to notify

the child's parent of the interview. "Child witness means an unmarried person who is under 18 years of age and who not the victim of, the suspect in, or related to the suspect in a child welfare, criminal, or delinquency investigation."

6. ORS 419B.028 (part of Karly's Law), requires the immediate photographing of suspicious physical injuries. Any conversation with the child being photographed should consist of just a few questions or fit within the above

listed criteria so as not to become an unreasonable seizure.

600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

State

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Federal

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

State

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Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707 (ORS 133.400).

A custodial interview of a person 17 years of age or under involving an investigation into a misdemeanor or a felony or an allegation that the juvenile being interviewed committed an act that would be a misdemeanor or a felony if committed by an adult shall be recorded, absent good cause not to record the interview, if (ORS 133.402):

- (a) The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or
- (b) The interview is conducted anywhere else and the officer is wearing a body-worn camera.

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should document the refusal in his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.6 DISCONTINUATION OF INVESTIGATIONS

Best Practice

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The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

Best Practice OAA - 3.3.4 (g) OAA-2020-2021 - 3.3.4 (g) OAA-2021-2022 - 3.3.4 (g)

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Best Practice

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment,

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the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Best Practice

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

State

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Best Practice

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Section Commander or the Police Chief. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Records Section

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the City of Sherwood Police Department Records Section. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the City of Sherwood Police Department to maintain department records securely, professionally, and efficiently.

802.3 RESPONSIBILITIES

802.3.1 SUPPORT CAPTAIN

The Police Chief shall appoint and delegate certain responsibilities to a Support Captain. The Support Captain shall be directly responsible to the Administration Section Commander or the authorized designee.

The responsibilities of the Support Captain include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 - 1. Homicides
 - 2. Cases involving department members or public officials
 - 3. Any case where restricted access is prudent
- (h) Ensure that information is entered into the Oregon State Police Law Enforcement Data System (LEDS) from court orders received as required by Oregon law.

802.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.

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1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Agency with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible ~~member's~~ [member's](#) supervisor.
- (g) Maintaining records of reports received from OSP of persons who are prohibited from possessing firearms attempting to purchase or otherwise procure them, and of the actions taken by the Agency in response to those reports. Information and outcome of the actions taken by the Agency shall be provided to OSP on or before Jan. 31 of each year as required by ORS 166.412 and ORS 166.436.
- (h) ~~Maintaining compliance with the Oregon Criminal Justice Commission reporting requirements regarding the number of U-visa and T-visa certifications requested, granted, and denied by the Agency (2019 Oregon Laws, c.472, § 2).~~
- (i) Participating in the National Use of Force Data Collection of the Federal Bureau of Investigation by submitting statistical data (~~2021 Oregon Laws, c. 625~~ [ORS 181A.663](#)).

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, and accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Supervisor.

The Records Section will also maintain a secure file for case reports deemed by the Police Chief as sensitive or otherwise requiring extraordinary access restrictions.

802.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Section. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

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All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

802.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

802.6 REPORTING CRIME STATISTICS

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Section personnel to enter such information into the City of Sherwood Police Department data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225).

802.7 LAW ENFORCEMENT DATA SYSTEM (LEDS) VALIDATION

802.7.1 VEHICLE / VEHICLE PARTS VALIDATIONS

Upon receipt of a Vehicle / Vehicle Parts Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the vehicle may be cleared from LEDS/NCIC.

If an insurance company has paid the owner for the stolen vehicle, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no response from the insurance company has been received within the allotted 15-day period, the entries into LEDS/NCIC may be cancelled.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in the original file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

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802.7.2 GUNS VALIDATIONS

Upon receipt of a Guns Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the gun may be cancelled from LEDS/NCIC.

If an insurance company has paid the owner for the stolen gun, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no response from the insurance company has been received within the allotted 15-day period, the LEDS/NCIC entries may be cancelled.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in said file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

802.7.3 ARTICLES / SECURITIES VALIDATIONS

Upon receipt of an Articles / Securities Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the article or security may be cancelled from LEDS/NCIC.

If an insurance company has paid the owner for the stolen article or security, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no timely response has been received from the insurance company within the allotted 15-day period, the LEDS/NCIC entries may be cancelled.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

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802.7.4 BOATS / BOAT PARTS VALIDATIONS

Upon receipt of a Boats / Boat Parts Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the boat may be cleared from LEDS/NCIC.

If an insurance company has paid the owner for the stolen boat, said insurance company is to be contacted. It is necessary to keep insurance information current and accurate. If the phone numbers listed for the insurance company have been disconnected or are no longer in service and/or letters have been returned as undeliverable and/or no timely response has been received from the insurance company within the allotted 15-day period, the LEDS/NCIC entries may be cancelled.

Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in said file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

802.7.5 MISSING PERSONS VALIDATIONS

Upon receipt of a Missing Persons Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

If the person who has been reported as missing as not been located within 30 days after the missing person report is made, the officer assigned to said case shall contact the reporting party and determine if the person is still missing.

All records for juvenile, runaways, or missing persons that cannot be validated will be retained in the system.

Upon receipt of a License Plates Validations list from LEDS, the working copy of said case to be validated is pulled from its designated place in the Records office and placed in the LEDS VALIDATION FILE drawer.

Once the files are pulled, they are checked for accurate contact information, i.e. telephone numbers and addresses. If no current phone numbers are available then a letter is sent to the registered owner. If the letter is returned unclaimed or no response is received within the allotted time allowed (15 days from date of letter), the license plate(s) may be cleared from LEDS/NCIC.

If the tags on the stolen license plate(s) have expired, the entries in LEDS/NCIC can be cleared.

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Once the above process has been completed on each entry for a particular file, all documentation pertaining to the Validation process is placed in said file and the file is returned to the appropriate permanent file storage.

A working copy is defined as the copy of the case kept in records upon entry of the stolen information into LEDS.

Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

805.2 POLICY

The City of Sherwood Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Police Chief shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

- (a) Managing the records management system for the Agency, including the retention, archiving, release, and destruction of department public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Agency must keep records.
 - 2. Identifying the department section responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4); [ORS 192.324\(5\)](#)).
- (g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain department records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

805.4.1 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the

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reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the ~~Attorney General or the~~ District Attorney, the Agency will have the burden to support the denial (ORS 192.401; ~~ORS 192.415~~).

805.4.2 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

- (a) Requests for public records shall be made in writing.
- (b) The Agency is not required to create records that do not exist.
- (c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.
- (d) A written acknowledgement shall advise the requester of one of the following:
 - 1. The Agency is the custodian of the requested record.
 - 2. The Agency is not the custodian of the requested record.
 - 3. The Agency is uncertain whether the Agency is the custodian of the requested record.
- (e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of ~~a~~ receipt of the request, the Custodian of Records shall:
 - 1. Complete the response to the records request or;
 - 2. Provide a written statement that the request is being processed and a reasonable estimated date ~~on when~~ by which the response should be completed based on the information currently available.
- (f) A request for records is considered complete when:
 - 1. Access or copies of the requested public records are provided to the requester ~~; if no exemption applies~~ or an explanation is provided to the requester where the records are publicly available.
 - 2. A written statement is sent to the requester that an exemption exists and that access is denied.
 - (a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the

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department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

3. A written statement is sent to the requester that the Agency is not the custodian of records for the record requested.
 4. A written statement that state or federal law prohibits the Agency from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Agency.
- (g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Agency has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or ~~the Agency has denied a request~~ of the denial of the request for a fee waiver, the request shall be closed.
- (h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.
- (i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained- ~~(ORS 192.324)~~.

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an ~~individual's~~ individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Agency, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).
 1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.
- (c) Member identification badge or card as provided in ORS 192.371.

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- (d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS ~~181A.181~~ 825 672).
- (e) A photograph of public safety personnel without the written consent of that member (ORS 181A.~~830~~ 674).
- (f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.~~830~~ 674; ORS 192.345(12)).
- (g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).
- (h) Certain juvenile records (ORS 419A.~~255~~; ~~ORS 419A~~.257).
- (i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).
- (j) Audio or video records of internal investigation interviews (ORS 192.385).
- (k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).
- (l) ~~Ongoing litigation records, including those created in anticipation of potential litigation~~ Records relating to pending litigation and to potential litigation that is reasonably likely to occur in which the Agency is or will be named as a party (ORS 192.345(1)).
- (m) Certain identifying information of an individual that has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.
- (n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).
- (o) Any public records or information the disclosure of which is prohibited by federal law (ORS 192.355).
- (p) Any public records or information the disclosure of which is prohibited or restricted, ~~restricted~~, or made confidential or privileged under Oregon law (ORS 192.355).
- (q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).
- (r) Records of a person who has been in the custody ~~or under the lawful supervision of a state agency, a court, or a unit of local government~~ of the Agency are exempt from disclosure for 25 years after termination of such custody- ~~or supervision~~. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).
- (s) Audio or video recordings from ~~a member's body~~ an officer's body-worn camera- ~~that record the member's interaction with members of the public~~. Such recordings may only be disclosed under the conditions provided by ORS 192.345(40), including facial blurring.
- (t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. ~~"Personal information- for this purpose- "~~ means an individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).

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- (u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the Agency (ORS 131.935).
- (v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).
- (w) Images of a deceased person or parts of a deceased body that are part of a ~~law enforcement agency~~ department investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased ~~person's~~ person's family (ORS 192.355).
 - 1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Agency so that a timely response can be prepared.

805.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

805.8 EXPUNGEMENT

Expungement orders received by the Agency shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall ~~expunge such~~ seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once ~~expunged~~ a record is sealed, members shall respond to any inquiry as though the record did not exist (ORS 137.225).

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805.9 SECURITY BREACHES

In the event of an unauthorized acquisition of personal information, the Police Chief or the authorized designee shall ensure that an investigation into the breach is made and applicable steps pursuant to ORS 646A.602 et seq. are taken.

Required notice shall be made as follows (ORS 646A.604):

- (a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, but not later than 45 days after becoming aware of the breach, unless the notice impedes a criminal investigation.
 - 1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for the person providing the notice; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General, and the Federal Trade Commission.
- (b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.
- (c) Provide substitute notice if notification would cost more than \$250,000 or if there were more than 350,000 individuals whose personal information was breached.
- (d) If notification is required to be made to more than 1,000 individuals, the City of Sherwood Police Department should also notify consumer reporting agencies.
- (e) Provide notice to the Oregon Attorney General if the breach involves the personal information of more than 250 people along with a copy of any notice sent to individuals whose personal information was affected.
- (f) Document when a breach of security is unlikely to cause any harm and does not require notification. In these cases, the documentation shall be maintained for at least five years.

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the City of Sherwood Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Agency.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the City of Sherwood Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The City of Sherwood Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Agency. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (ORS 169.005).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the City of Sherwood Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported (ORS 169.105).
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated (ORS 430.399).
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (ORS 169.078). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

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900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Section Section Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Agency members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure an individual who is in temporary custody receives an explanation in writing, with interpretation into another language if requested, of the following (~~2021 Oregon Laws, HB 3265 § 2~~ [ORS 181A.823](#)):

- (a) The ~~individual's~~ [individual's](#) right to refuse to disclose the ~~individual's~~ [individual's](#) nationality, citizenship, or immigration status.

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- (b) That the disclosure of the ~~individual's~~ individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the City of Sherwood Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Agency.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the City of Sherwood Police Department.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (ORS 169.078).
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.

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- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches (ORS 169.078).

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the City of Sherwood Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Agency should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

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- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (ORS 169.078). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 NONDISCRIMINATION

The City of Sherwood Police Department shall not deny services, benefits, privileges, or opportunities to an individual in custody based on a known or suspected immigration status, the existence of an immigration detainer, hold, notification, or other related federal immigration request, or a civil immigration warrant, except as required by law (~~2021 Oregon Laws, HB 3265~~ [§2 ORS 181A.823](#)).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the City of Sherwood Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Agency shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.

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- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Section Section Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the City of Sherwood Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor, Police Chief and Support Section Section Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the City of Sherwood Police Department unless escorted by a member of the Agency.

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- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Patrol Section Section Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (ORS 169.078):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.12 TRAINING

Agency members should be trained and familiar with this policy and any supplemental procedures.

Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the City of Sherwood Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1011.2 POLICY

The City of Sherwood Police Department takes seriously all complaints regarding the service provided by the Agency and the conduct of its members.

The Agency will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1011.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Agency.

1011.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1011.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1011.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1011.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Agency should audit the log and send an audit report to the Police Chief or the authorized designee.

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1011.5.1 COMPLAINTS ALLEGING PROFILING

Complaints related to profiling should be clearly marked to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

1011.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1011.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Police Chief or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Section Commander or the Police Chief, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Agency receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Police Chief are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Shift Supervisor for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.

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- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.
- (k) Providing the complainant with periodic updates on the status of the investigation, as appropriate.

1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to ~~employees~~ public safety officers covered by the provisions of ORS 236.350 through ORS 236.360 (ORS 236.370).

- (a) Interviews of an accused ~~employee~~ public safety officer shall be conducted during reasonable (normal waking) hours and preferably when the ~~employee~~ public safety officer is on-duty, unless the seriousness of the investigation requires otherwise. If the ~~employee~~ public safety officer is off-duty, ~~he/she~~ the public safety officer shall be compensated.
- (b) Unless waived by the ~~employee~~ public safety officer, interviews of an accused ~~employee~~ public safety officer shall be at the City of Sherwood Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused ~~employee~~ public safety officer.
- (d) The interviewers shall inform the ~~employee~~ public safety officer of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.
- (e) Prior to any interview, ~~an employee~~ a public safety officer should be informed of the nature of the investigation and of facts reasonably sufficient to inform the ~~employee~~ public safety officer of the circumstances surrounding the allegations under investigation.
- (f) All interviews should be for a reasonable period and the ~~employee~~ public safety officer's personal needs should be accommodated.
- (g) No ~~employee~~ public safety officer should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

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- (h) Any ~~employee~~ public safety officer refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. ~~An employee~~ A public safety officer should be given an order to answer questions in an administrative investigation that might incriminate the ~~member in~~ public safety officer in a criminal matter only after the ~~member has~~ public safety officer has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the ~~employee~~ public safety officer may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from ~~an employee~~ a public safety officer may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (i) The interviewer should record ~~all interviews of employees and witnesses~~. The ~~employee~~ the interview and the public safety officer may also record the interview. If the ~~employee~~ public safety officer has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the ~~employee~~ public safety officer prior to any subsequent interview.
- (j) All ~~employees~~ public safety officers subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each ~~individual's~~ individual's statement, involved ~~employees~~ public safety officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (k) In a disciplinary or administrative investigation, the ~~employee~~ public safety officer's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the ~~employee~~ public safety officer to the representative for purposes of the representation.
- (l) As soon as it is determined that the ~~employee~~ public safety officer may be charged with a criminal offense, the ~~employee~~ public safety officer shall be informed of the ~~employee's~~ public safety officer's right to consult with criminal defense counsel with respect to the criminal charge.
- (m) All ~~employees~~ public safety officers shall provide complete and truthful responses to questions posed during interviews.
- (n) No ~~employee~~ public safety officer may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1011.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1011.6.5 COMPLETION OF INVESTIGATIONS

The ~~Administration~~ Administration Supervisor shall ensure that investigations are completed and ~~peace~~ public safety officers are provided notification of intended discipline no later than six months from the date of the first interview. The ~~Police~~ Police Chief or ~~Administration~~ the Administration Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the ~~Agency~~ Agency gives written notice explaining the reason for the extension to the ~~peace officer's~~ public safety officer's chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

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- (a) The investigation involves a ~~peace-~~ public safety officer who is incapacitated or unavailable.
- (b) The investigation involves an allegation of workers' compensation or disability fraud by the ~~peace-~~ public safety officer.
- (c) The ~~peace-~~ public safety officer, in writing, waives the limit.
- (d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.
- (e) The investigation involves more than one ~~peace-~~ public safety officer and requires a reasonable extension of time.
- (f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.
- (g) The investigation involves a matter in civil litigation in which the ~~peace-~~ public safety officer is a named defendant or the ~~peace-officer's-~~ public safety officer's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.
- (h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

1011.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1011.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1011.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Agency, the Police Chief or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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1011.8.1 RESIGNATIONS/RETIREMENTS PRIOR TO COMPLETION OF INVESTIGATIONS

In the event that an employee tenders a written resignation or retirement prior to the completion of an investigation, such action shall be noted in the investigative file.

The tender of a resignation or retirement by itself shall not serve as grounds for the suspension of the investigation.

1011.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Police Chief shall be notified as soon as practicable when a member is accused of criminal conduct. The Police Chief may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The City of Sherwood Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Police Chief through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Police Chief may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1011.10.1 SECTION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Section Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Section Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Police Chief, the Section Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Police Chief, the Section Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

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1011.10.2 POLICE CHIEF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Police Chief shall review the recommendation and all accompanying materials. The Police Chief may modify any recommendation and/or may return the file to the Section Commander for further investigation or action.

Once the Police Chief is satisfied that no further investigation or action is required by staff, the Police Chief shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Police Chief shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Police Chief in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Police Chief within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Police Chief may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Agency. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Police Chief shall consider all information received in regard to the recommended discipline. The Police Chief shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Police Chief has issued a written decision, the discipline shall become effective.

1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Police Chief or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint [and may provide a written summary of the information obtained in the investigation as the Police Chief finds necessary to explain the action taken](#) (ORS 181A.~~830~~ 674).

If the complaint is related to profiling, the complainant shall be notified in writing with a statement of the final disposition within a reasonable time after the conclusion of the investigation (ORS 131.920).

1011.10.3 [PRESUMPTIVE DISCIPLINARY SANCTIONS](#)

[For officers, the Police Chief shall impose the presumptive sanction for the types of misconduct described in OAR 265-010-001 et seq. but may depart from the presumptive sanction through application of the prescribed aggravating or mitigating factors \(OAR 265-005-0030; OAR 265-010-0035\). The Police Chief shall document the decision to impose a sanction other than the presumptive sanction, including the reasoning and any aggravating or mitigating factors \(OAR 265-005-0030\).](#)

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1011.10.4 NOTICE REQUIREMENTS

~~If an investigation of an officer of this department results from a complaint, the Agency may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation (ORS 181A.830).~~

1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Police Chief after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Police Chief to consider.
- (d) In the event that the Police Chief elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Police Chief on the limited issues of information raised in any subsequent materials.

1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1011.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1011.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Police Chief or the authorized designee.

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Any probationary period may be extended at the discretion of the Police Chief in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1011.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel ~~Files~~ [Records](#) Policy.

1011.16 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve officers or dispatchers will be investigated as outlined in this policy. The Police Chief or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

1011.17 NOTIFICATION TO THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Police Chief or the authorized designee should ensure DPSST is notified as follows:

- (a) When an investigation of misconduct under ~~2020 Oregon Laws, c.5, § 2~~ [ORS 181A.681](#) results in a sustained finding (~~2021 Oregon Laws, c.238, § 2~~ [ORS 181A.683](#)).
- (b) Within 10 days of a final discipline that includes an economic sanction with the following information (~~2021 Oregon Laws, c.634, § 2~~ [ORS 181A.686](#)):
 - 1. The name and rank of the officer disciplined.
 - 2. The name of the City of Sherwood Police Department.
 - 3. A copy of any final decision including the underlying facts and the imposed discipline.

Fitness for Duty

1018.1 PURPOSE AND SCOPE

~~The safety and well-being of employees and the citizens we serve, requires that all officers be free from any physical, emotional or mental condition which might adversely affect the exercise of assigned duties, including peace officer powers~~ Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Agency and the community. The purpose of this policy is to ensure that all members of this ~~department-~~ department remain fit for duty and able to perform their ~~established~~ job functions.

1018.2 ~~EMPLOYEE-~~ MEMBER RESPONSIBILITIES

~~It shall be~~

It is the responsibility of each member of this

~~- department~~
department to maintain

~~- good~~
physical

~~- condition~~
stamina and psychological stability sufficient to safely and

~~- properly~~
effectively perform the essential duties of

~~- their job function. Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints~~
the member's position.

During working hours, all

~~- employees~~
members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any

~~- employee~~
member who feels unable to perform

~~- his/her~~
the member's duties shall promptly notify a supervisor. In the event that

~~- an employee~~
a member believes that another

~~- employee~~

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department member is unable to perform

- his/her

assigned duties, such observations and/or belief shall be promptly reported to a supervisor.

~~A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so. The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.~~

~~All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.~~

1018.2 POLICY

The City of Sherwood Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Agency may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1018.3 SUPERVISOR RESPONSIBILITIES

~~A supervisor observing an employee or receiving a report of an employee who is perceived to~~

All supervisors should be alert to any indication that a member may be unable to

~~- perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.~~

~~Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.~~

~~In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.~~

~~In conjunction with the Shift Supervisor or employee's available Section Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.~~

~~The Police Chief shall be promptly notified in the event that any employee is relieved from duty~~

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safely perform the member's duties due to an underlying physical or psychological impairment or condition

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1018.3.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the member's duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the supervisor's observations and actions in a written report and inform the Shift Supervisor or the member's Section Commander.

1018.3.2 DUTY STATUS

In conjunction with the Shift Supervisor or the member's Section Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the Shift Supervisor or the member's Section Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy

The Police Chief shall be promptly notified in the event that any member is relieved of duty.

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1018.4 NON-WORK RELATED CONDITIONS

~~Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.~~

1018.5 WORK RELATED CONDITIONS

~~Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.~~

~~Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Section Commander, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:~~

- ~~(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,~~
- ~~(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.~~

1018.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1018.5.1 PROCESS

The Police Chief, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Agency with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Agency will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

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1018.6 ~~PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS~~

- (a) ~~Whenever circumstances reasonably indicate that an employee is unfit for duty, the Police Chief may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.~~
- (b) ~~The examining physician or therapist will provide the Agency with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties.~~
- (c) ~~In order to facilitate the examination of any employee, the Agency will provide all appropriate documents and available information to assist in the evaluation and/or treatment.~~
- (d) ~~All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.~~
- (e) ~~Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.~~
- (f) ~~Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.~~

1018.7 LIMITATION ON HOURS WORKED

~~Absent~~ Absent emergency operations members should not work more than:

- 16 hours in ~~one~~ a day (24 hour) period or
- 30 hours in any ~~2~~ two-day (48 hour) period or
- 84 hours in any ~~7~~ seven-day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve ~~to off-duty status~~ any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

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1018.8 APPEALS

~~An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints~~ Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy.

1018.9 MENTAL HEALTH WELLNESS PROGRAM

~~The Police Chief or the authorized designee is responsible for establishing a mental health wellness program (refer to policy 338) to address issues related to mental health wellness for officers employed by the Agency (ORS 181A.832).~~

Line-of-Duty Deaths

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the City of Sherwood Police Department in the event of the death of a member occurring in the line of duty and to direct the ~~Department~~ [Agency](#) in providing proper support for the member's survivors.

The Police Chief may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1035.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1035.2 POLICY

It is the policy of the City of Sherwood Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this ~~department~~ [department](#) to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

~~The Sherwood Police Department will utilize the services and resources of the Oregon Fallen Badge Foundation in the event of any line of duty death or active death.~~

1035.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and Dispatch.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable, ~~to include notifying and requesting the assistance of the Oregon Fallen Badge Foundation.~~

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- (c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Police Chief or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the ~~Department~~ Agency Liaison as soon as practicable (see the Notifying Survivors section and the ~~Department~~ Agency Liaison and Hospital Liaison subsections in this policy).

1035.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Police Chief or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Police Chief, Shift Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the ~~Department~~ Agency Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in ~~department~~ department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the ~~Department~~ Agency Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the ~~Department~~ Agency Liaison.
- (m) Inform the Police Chief or the authorized designee once survivor notifications have been made so that other City of Sherwood Police Department members may be apprised that survivor notifications are complete.

1035.4.1 OUT-OF-AREA NOTIFICATIONS

The ~~Department~~ Agency Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The ~~Department~~ Agency Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the ~~department~~ department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The ~~Department~~ Agency Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the ~~Department~~ Agency to pay travel expenses without the authorization of the Police Chief.

1035.5 NOTIFYING ~~DEPARTMENT~~ AGENCY MEMBERS

Supervisors or members designated by the ~~Police Chief~~ Police Chief are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support- ~~group~~, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

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Supervisors should direct members not to disclose any information outside the ~~Department~~ Agency regarding the deceased member or the incident.

1035.6 LIAISONS AND COORDINATORS

~~The Police Chief~~ The Police Chief or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including ; but not limited to:

- (a) ~~Department~~ Agency Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison. ~~Critical~~
- (d) ~~Incident Stress Management (CISM) coordinator~~ Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the ~~Department~~ Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The ~~Department~~ Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1035.6.1 ~~DEPARTMENT~~ AGENCY LIAISON

The ~~Department~~ Agency Liaison should be a Section Commander or of sufficient rank to effectively coordinate ~~department~~ department resources, and should serve as a facilitator between the deceased member's survivors and the ~~Department~~ Agency. The ~~Department~~ Agency Liaison reports directly to the Police Chief. The ~~Department~~ Agency Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.

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- (g) Ensuring that ~~department~~ department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1035.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. ~~Department~~ Agency members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or City of Sherwood Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the ~~Department~~ Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

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1035.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the ~~Department-~~ Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased ~~member's-Section Commander~~ member's Section Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased ~~member's-~~ member's supervisor and/or coworkers. The deceased ~~member's-~~ member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include ~~r~~, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the ~~Department-~~ Agency Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased ~~member's-~~ member's personal effects from the ~~Department~~ Agency and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased ~~member's-~~ member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the ~~survivors'-~~ survivors' wishes.

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- (g) Working with the ~~CISM-coordinator~~ Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the ~~department's Public Information Officer (PIO)~~ department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the ~~Public- Public Information Officer section- Officer section~~ of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, ~~victim's~~ victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The ~~Department~~ Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the ~~Department~~ Agency to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1035.6.4 ~~CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR~~ WELLNESS SUPPORT LIAISON

The ~~CISM-coordinator~~ Wellness Support Liaison should work with the ~~Police Chief~~ department wellness coordinator or the authorized ~~designee, designee and other~~ liaisons, ~~and~~ coordinators ~~and other resources~~ to make ~~CISM- wellness support~~ and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the ~~CISM coordinator~~ Wellness Support Liaison include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for ~~CISM- wellness support~~ and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.

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3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive ~~CISM~~ wellness support ~~as appropriate and possible~~.
- (c) Ensuring that ~~CISM~~ wellness support and counseling resources (e.g., peer support, ~~debriefing, grief counselors~~ Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available ~~CISM~~ wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional ~~CISM~~ wellness support or counseling services are needed.

1035.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the ~~Department~~ Agency Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the ~~Department~~ Agency, including, but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Police Chief and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using ~~department~~ department vehicles and drivers.

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1035.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the ~~Department~~ [Agency](#) Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many City of Sherwood Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1035.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Public Safety Memorial Fund (ORS 243.950 et seq.)
 - 2. Education benefit (ORS 348.270)
 - 3. Life insurance (ORS 243.025)
 - 4. Death benefit (ORS 238.395; ORS 238A.230)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

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1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1035.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Police Chief and the ~~Department~~ Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1035.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the ~~department's~~ department's PIO should be the ~~department's~~ department's contact point for the media. As such, the PIO should coordinate with the ~~Department~~ Agency Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that ~~department~~ department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the ~~Department~~ Agency and deceased member's survivors.
- (d) Arrange for community and media briefings by the Police Chief or the authorized designee as appropriate.

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- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to ~~department~~ department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1035.8 ~~DEPARTMENT~~ AGENCY CHAPLAIN

The ~~Department~~ Agency chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting ~~department~~ department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1035.9 INVESTIGATION OF THE INCIDENT

The Police Chief shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved ~~department~~ department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

1035.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Police Chief may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1035.11 NON-LINE-OF-DUTY DEATH

The Police Chief may authorize certain support services for the death of a member not occurring in the line of duty.