Tigard Police Policy Manual

Adoption Date: November 30, 2016

INTERIM CHIEF'S PREFACE

Preface

Pursuing the achievement of the Tigard Police Mission Statement, "to create the highest level of livability possible by working with our citizens to preserve and protect life, liberty and property" doesn't begin to capture the challenges and myriad tasks we must carry out in order to pursue that mission. Police personnel are charged with life and death decisions, with collecting and identifying criminal information and evidence which require special and sensitive handling, with exercising the necessary use of force, with depriving citizens of their freedom, and with treating victims with compassion and care, among many, many other things.

In order to guide our personnel through the extensive body of knowledge required to successfully carry out these extraordinary tasks and responsibilities, police departments across the country have developed Policy Manuals to assure the most safe, accurate, professional, and legal procedures are in place within their Police Department. The purpose of this Manual then, is to guide the employees of the Tigard Police Department in carrying out their assigned responsibilities. This Manual is our collective commitment as a Police Department to do our jobs in the most professional, ethical, and legal manner.

This Policy Manual is critically important to our overall success as a Police Department. The contents of the manual reflect how the Department conducts business by documenting rules and establishing guidelines for consistent, efficient, proper and best practices. These guidelines include the Law Enforcement Code of Ethics and the Tigard Police Department's Mission, Vision, Goals and Core Values. By closely following the directives herein, staff is enabled to provide reliable, effective, and unwavering service to our community.

It is critically important to the Department's success that this Manual be read, understood, and accepted by all personnel within the Department. Therefore, it is mandatory for every member of the Tigard Police Department to read, and to comply with, the policies established herein.

While our Department is obligated to adhere to the contents of this manual, it is understood that change is both constant and imminent. Whether this change occurs in the statutory mandates or the needs of the community we serve, we must always ensure our Policy Manual remains contemporary. To that end, each and every member of the Tigard Police Department must share in the responsibility of providing constant feedback and updates for consideration. We will then conduct a periodic update of the Manual in order to maintain the high standards that reflect the pride of each member of the Department. I often say that Law Enforcement is one of the most complex jobs in America. Successful accomplishment of this most complex of jobs, not only helps us to accomplish our goals, but affords each of us a profound sense of accomplishment and pride in knowing that we are the keepers of the peace, the protectors of our community, and the defenders of America's freedoms.

Robert Rogers

Interim Chief of Police

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CRIMINAL JUSTICE CODE OF ETHICS

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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TIGARD POLICE MISSION, VISION, GOALS, AND CORE VALUES

MISSION STATEMENT: The mission of the Tigard Police Department is to create the highest level of livability possible by working with our citizens to preserve and protect life, liberty and property.

VISION STATEMENT:

* Partnering with citizens and other departments

* Developing well trained, ethical and accountable employees

* Earning public trust and confidence through our actions and values

GOALS:

* To reduce crime and the fear of crime

* To assist the City of Tigard in accomplishment of municipal goals and objectives

* To enhance the safety and security of Tigard's residents, visitors and businesses

* To preserve constitutional and civil rights and foster good citizenship in our youth

CORE VALUES:

*** Attitude**

*** Leadership**

*** Integrity**

*** Service**

*** Teamwork**

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PREFACE TITLE

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

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

100.2.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

(a) A peace officer may arrest a person for a crime at any hour of any day or night.

(b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.

(c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.

(d) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235, ORS 161.239 and ORS 161.245.

(e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.

(f) If after giving notice of the peace officer's identity, authority and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.

(g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

100.3 CONSTITUTIONAL REQUIREMENTS

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

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100.4 POLICY

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

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).

(c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

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

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Public Safety Certification

102.1 SUPERVISOR AND MANAGER CERTIFICATION

102.1.1 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are expected to meet the qualifications for supervisory or management level certification, respectively, within two years of each appointment (OAR 259-008-0060).

102.2 MAINTENANCE OF CERTIFICATION

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

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

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Oath of Office

104.1 PURPOSE AND SCOPE

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

104.2 OATH OF OFFICE

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

"I, (state name), do solemnly swear to abide by the Law Enforcement Code of Ethics, to uphold and support the laws and Constitution of the United States of America, the State of Oregon and the Charter and ordinances of the City of Tigard, to abide by the rules and regulations of the Tigard Police Department, and to faithfully, honestly and impartially discharge the duties of (position about to assume).

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

104.2.1 CRIMINAL JUSTICE CODE OF ETHICS

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

104.2.2 MAINTENANCE OF RECORDS

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

104.3 POLICY

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

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Duty to Obey Lawful Orders

105.1 PURPOSE AND SCOPE

Officers of this department are required to abide by the rules and regulations of the Tigard Police Department, ordinances of the City of Tigard and Washington County, Federal laws, and of the laws of all states.

105.1.1 DUTY TO OBEY LAWFUL ORDERS

Members shall not commit any act, or fail to perform any act, that constitutes a violation of any of the rules, regulations, instruction, directives, or orders of the Tigard Police Department, whether stated in these policies or elsewhere.

Members shall acquire a thorough knowledge of State and Federal laws and City ordinances, as well as the elements that constitute criminal acts in violation of the various sections thereof, and will acquaint themselves with the fundamental rules of evidence. The responsibility for having knowledge and comprehension of the Lexipol Manual, all orders, bulletins, and regulations, pertinent reports and all memoranda issued by the Chief of Police or the member's division manager, rests with the member. After an absence from duty, members shall, upon returning to duty, read all orders issued by the Chief of Police or their division manager and all applicable bulletins, regulations or memoranda issued during their absence. Members having any questions or uncertainty will immediately seek clarification via the chain of command.

Members shall promptly obey any lawful written or verbal order of a supervisor. This will include orders relayed from a supervisor by a member of the same or lesser rank. Members, who are given an otherwise proper order that is in conflict with a previous order, rule, regulation or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances the responsibility for the conflict shall be upon the supervisor. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued. Members shall not obey any order that would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the issuing supervisor to clarify the order or the supervisor will clarify with a higher authority. The Chief of Police must be immediately notified any time a member is the subject of any police or court action by any law enforcement agency.

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Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.2 POLICY

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

106.2.1 DISCLAIMER

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

106.3 AUTHORITY

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

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

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Policy Manual

City - The City of Tigard.

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

Department/TPD - The Tigard Police Department.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Tigard Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Tigard Police Department, including:

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

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

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

OSP - The Oregon State Police.

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

106.5 ISSUING THE POLICY MANUAL

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

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

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

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

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Chief Executive Officer

109.1 PURPOSE AND SCOPE

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

109.2 POLICY

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

109.3 CHIEF OF POLICE REQUIREMENTS

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration Division
- Operations Division
- Services Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Chief of Police whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of the Public Information Officer, Business Manager, and confidential administrative support.

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by the Operations Commander whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Patrol and Special Operations, which includes Traffic, Reserves, Training, K-9 Unit, Chaplain Services, and Community Service Officers.

200.2.3 SERVICES DIVISION

The Services Division is commanded by the Services Commander who oversees the Division and has primary responsibility to provide management direction and control for the Services Division. The Division consists of the Investigations Unit, Commercial Crimes Unit, Crime Analysis Unit, Records Section, Youth Services, Gang Enforcement, Property/Evidence Unit, and School Resource Officers.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate an acting Chief of Police.

Except when designated otherwise, the order of command authority in the absence or unavailability of the Chief of Police will fall to the senior ranking command officer, then on to the ranking sergeant on-duty.

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200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

200.4 ACCOUNTABILITY

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

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Special Orders

204.1 PURPOSE AND SCOPE

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

204.1.1 SPECIAL ORDER PROTOCOL

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

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

Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 09-01 signifies the first Special Order for the year 2009.

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

204.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees are required to acknowledge in writing the receipt and review of any new Special Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Coordinator.

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Emergency Operations Plan

205.1 PURPOSE AND SCOPE

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

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

205.2 ACTIVATING THE EMERGENCY PLAN

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

205.2.1 RECALL OF PERSONNEL

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

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

205.3 LOCATION OF MANUALS

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

205.4 BUILDING EVACUATION PLAN

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

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Training

207.1 PURPOSE AND SCOPE

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

207.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the Oregon Department of Public Safety Standards and Training (DPSST).

207.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public

(b) Increase the technical expertise and overall effectiveness of our personnel

(c) Provide for continued professional development of department personnel

(d) Enhance the safety of officers and the community

207.4 TRAINING PLAN

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

- Legislative changes and changes in case law
- State-mandated training
- Prison Rape Elimination Act (PREA)
- High-liability issues training
- Training on department policies and procedures

207.5 TRAINING NEEDS ASSESSMENT

The Training Coordinator or his/her designee will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the command staff during the annual training plan development process. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

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207.6 TRAINING COMMITTEE

The Training Coordinator may establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training Committee may also be tasked with the review a policy, a training regimen, or piece of equipment the department is considering/ evaluating.

The Training Committee may be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities/experiences at post-incident evaluation and skills at assessing related training needs.

The Training Coordinator may remove or replace members of the committee at his/her discretion. The Training Committee may review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

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

The Training Coordinator will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

207.7 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee’s participation.
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

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1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Coordinator to attend an alternate date.

207.8 TRAVEL AND TRAINING PRE-AUTHORIZATION REQUESTS

The department policy on travel and training requests follows the City of Tigard personnel policy # 47, "*Training and Education*", with the exception of the pre-authorization request form used to receive approval for training through the chain of command, and to record training received for DPSST.

A flow chart has been prepared to guide the travel and training process for department members:

See attachment: Travel and Training Flow Chart.jpg

207.9 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Tigard Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the training coordinator.

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

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

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

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Electronic Communication

208.1 PURPOSE AND SCOPE

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. The city follows the standards and practices set by the Oregon Government Standards and Practices Commission.

This Electronic Communication policy is part of the City of Tigard's citywide Personnel Rules, Policy #49.0.

Any digital information, whether obtained in the line of duty, training events, or under any other circumstance, using a digital camera, computer, personal communications device, recorders, and any other electronic device is the property of the City and cannot be used for personal reasons or for other outside purposes.

208.2 TELEPHONES/VOICE MAIL/CELLULAR TELEPHONES

Telephones/Voice Mail

The ability to make outgoing and receive incoming telephone calls is an essential element of the City of Tigard's ability to provide service to the public. The city's telephones and voice mail system are intended to be used only for official business. The city believes, however, there are occasions when employees may use telephones for personal purposes without such usage being at odds with the law. All calls, including any personal calls allowed by city policy are subject to tracking. This tracking may include the pohone numbers of incoming and outgoing calls and text messages, as well as their duration.

It is normal practice by both public and private employers to permit employees to use business telephones to talk to family members, make medical appointments, schedule service technicians, confer with children's schools, and take care of any of a variety of other matters which can only be accomplished during "regular" work hours. The city believes it is less disruptive to permit employees to make such personal calls at their workstation than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from city telephones should, of course, be brief and infrequent. Personal long distance calls, even if the employee reimburses the city for the cost, may not be made on city telephones. If it is necessary for an employee to make personal long distance calls while at work, such calls must be made with the employee's personal calling card, by placing a collect call, or by calling from a pay phone. This section does not apply to wireless phones.

Cellular Telephones

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The city provides cellular phones to their employees specifically to facilitate the carrying out of official business. The city's cellular phones are not for the convenience or personal use of employees. This policy also applies to all City of Tigard employees and their use of personal cellular telephones during work hours. The two components of this section include: (a) use of city cellular phones and (b) use of personal cellular phones.

(a) Use of city Cellular Phones

The instances when an employee may use a city cellular phone for personal purposes are limited. An example of an occasion when an employee's personal use of a city cellular phone would not violate Oregon Government Standards and Practices Commission guidelines would be to contact a spouse or childcare provider to advise that the employee is going to be late getting home or picking up children for a reason directly related to official duties such as a meeting which ran later than expected or a last minute change of schedule. Another permitted personal use of a city cellular phone by an employee would be receiving an incoming call regarding a family emergency. Employee will not be required to reimburse the city when the cellular telephone call follows these guidelines; that is, the personal call is directly related to official duties.

A City employee cannot make a personal cellular call even if he or she intends to reimburse the city at a higher rate than that generally available to the public.

(b) Use of Personal Cellular Phones

It is the city's goal for employees to perform their duties in a productive manner without the interference of personal cellular telephone calls. Employees may not activate or use personal cellular telephones during normal work hours or in staff work areas. Use of personal cellular telephones is permitted during an employee's personal time (rest and meal periods as referenced in Citywide Personnel Policy No. 45.0 Job Attendance) and outside the workplace.

Exceptions may be made to this policy on a limited basis based on an employee's need and with approval of the department director. Employees requesting an exception to this policy must submit their request to their department director for approval.

Employees who violate any citywide personnel policy are subject to disciplinary action, up to and including termination.

208.2.1 PERSONAL CELLULAR PHONE, PDA AND SMARTPHONE STIPENDS

The City provides an allowance to certain non-represented positions, participation in which is voluntary. Upon approval employees will receive a specified amount of additional taxable income per month, as a stipend for the specific purpose of obtaining a personal cellular phone, PDA or Smartphone device and adequate service area coverage to be used for City business. However the device would not have the same restrictions on personal use since it is a personal device. The stipend amount will be set by the City Manager. The City stipend amount will be 60% of the current plan cost the City would pay for providing the cell phone service.

All personal smartphones and personal PDA's which contain sensitive city information or has applications that could access sensitive data should be locked and need to unlocked using

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authentication or password to access the device. Most PDA's and smartphones have the ability to request a code before accessing the device, and this level of security should be enabled if there exists sensitive data on the device or the device could access sensitive data through an application. If possible the data should also be password protected in case the device is lost or stolen.

Employees will obtain written or email approval from the department director for the use of a personal cellular phone, PDA or Smartphone and the department director will send the approval to Payroll/Finance and the Information Technology (IT) Manager. Employees who wish to accept the stipend for a personal PDA or Smartphone with the intention of having remote access to their City account must obtain prior approval from the Information Technology Manager as to the make and model of the proposed device. The city may restrict the make and model of any PDA hardware and software which may connect to a city computer. If approved, the city will pay for maintain the license that allows access to the city's server. This license is the property of the city. Employees with data plans that support email access must keep city and personal email in separate applications and not combine their emails into one email box.

Information on the personal PDA or Smartphone may be public record and must be kept according to the city's retention schedule. The employee's personal PDA or Smartphone may be subject to verification that city information has been provided if so requested.

208.3 PERSONAL DIGITAL ASSISTANTS (PDA)

This policy applies to all employees who use either a personal PDA or a city purchased PDA when conducting city business. PDA's include wireless devices that may have phone and internet capability.

Department directors are responsible for determining if it is in the best interest of the city to equip an employee with a city funded PDA. The city recognizes the benefit of having a complete schedule, that includes both city and personal appointments. Therefore, posting and synchronizing of personal appointments between a city computer and a personal PDA is permitted in order to provide a complete view of an employee's schedule if the department director has authorized the use of a personal PDA.

Employees who wish to furnish their personal PDA, purchased with personal funds, are subject to this policy if they use their PDA to conduct city business. The city may restrict the make and model of any PDA hardware and software which may connect to a city computer.

Employees acknowledge that information on the PDA may be public record and must be kept according to the city's retention schedule and the employee's personal PDA may be subpoenaed to verify all city information has been provided if so requested.

Department directors will insure the "Request to Use Personal PDA" form is completed for any employee who requests usage of a PDA for city business.

In the event of a lost or broken PDA purchased with city funds, the department director will determine if the loss occurred as a result of employee negligence when deciding whether the city

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will purchase a replacement PDA. In the event of a lost or broken PDA purchased with personal funds, the city will follow Citywide Personnel Policy 55.0.

208.4 COMPUTERS/INTERNET/E-MAIL

This policy applies to all City of Tigard employees and their use of city computers, the electronic mail (e-mail) system and the Internet.

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic devices. Any individuals using this system are subject to monitoring and all individuals using the system without authority or in excess of their authority are subject to having all their activities on this system monitored, recorded and examined by an authorized person, including law enforcement, as system personnel deem appropriate. Any material so recorded may be disclosed as appropriate. The city may take action related to inappropriate us of its network, without prior notice, if an employee is determined to have generated, sent or received such material.

Information Sharing

Employees are not allowed to use a code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary cannot be shared with individuals outside the city without prior clearance from a department director. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized in writing by their department director.

Personal Use

In general, employees may not use computers owned by the city for personal purposes. The City of Tigard's computer system is for authorized users only. There are some circumstances where the City believes the use of computers for personal purposes does not violate the Oregon Government Standards and Practices Commission guidelines. For example, an allowable use would be the preparation of application materials for a different position within the city or term papers for a city-sponsored class.

The personal use of city computers, with the exception of e-mail and the Internet, is permitted with the department director's approval:

- during an employee's lunch period,
- one hour before their normal work schedule begins,
- one hour after their normal work schedule ends, and

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- the time between the end of the employee's "work shift" and the beginning of an evening meeting that the city requires the employee to attend.

Personal use of the e-mail system and the Internet is not allowed at any time except as described under Internet Access.

No personal use of city computers is allowed on an employee's day off unless the use is related to an educational purpose that is consistent with the city's policies and has been pre-approved by the employee's department director.

Personal use of the computer system may not interfere with the employee's work, another employee's work or have an undue impact on the network. Playing games on the city's computers is not allowed. Sending large attachments (greater than two megabytes) to multiple people, distributing hoaxes, and spamming are examples of e-mail usage that could affect employee time or system capacity.

Internet Access

The City has equipped their computers and some PDAs with access to the Internet in order to have access to information and to provide information to the public. Personal use of the Internet is only allowed a) with the department director's approval, or b) to access city sponsored benefit sites or c) to schedule medical appointments for the employee or their immediate family. No access to any investment, deferred compensation or retirement benefit sites or accounts is allowed.

City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling are examples of inappropriate sites and accessing these sites is a misuse of city property.

The city recognizes that occasionally, while in pursuit of valid city business, an employee may inadvertently follow an Internet link that leads to an inappropriate web page. If this occurs, it is not necessary for the employee to respond to the owner of the page, but the employee must immediately notify his or her supervisor of what happened. Copies of e-mail and accessed web pages remain in the system for a period of time and the city may retrieve e-mail and web site histories. It is for the employee's own protection that any anomalies are documented.

Information Technology Access Policy

Information technology includes but is not limited to all individual computers, computing and electronic communications devices and services, telecommunication devices, e-mail, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, applications and instructional materials.

Access rights to information/data stored on city-owned equipment will be given on an as-needed basis. Only those rights needed to accomplish tasks related to their job function will be granted. Authorized users of the city's computer network include city employees and other individuals who are contracted to help support the city systems. Information/data and systems may only be used by authorized individuals to accomplish tasks related to their jobs. Any other use is strictly prohibited.

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Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

City of Tigard Information Technology staff is granted access to information technology resources in order to facilitate their job activities. However, by using these resources, staff agrees to abide by all relevant City of Tigard policies and procedures, as well as all current federal, state, and local laws. These include but are not limited to personnel policies and procedures related to harassment, plagiarism, commercial use, security, unethical conduct, and laws prohibiting theft, copyright and licensing infringement, unlawful intrusions, and data privacy laws.

Information Technology staff is responsible for reviewing, understanding, and complying with all policies, procedures and laws related to access, acceptable use, and security of the City of Tigard information technology resources.

The City of Tigard recognizes the importance of preserving the privacy of users and data stored in information technology systems. Staff and 3rd party contractors must honor this principle by neither seeking to obtain unauthorized access to information technology systems, nor permitting or assisting any others in doing the same. Furthermore, staff and 3rd party contractors must not make or attempt to make any deliberate, unauthorized changes to data on an Information Technology system. Staff must not intercept or attempt to intercept or access data communications not intended for that staff member, for example, by "promiscuous" network monitoring, running network sniffers, or otherwise tapping phone or network lines.

There may be occasions when users' information/data will need to be accessed without the users' permission, for example, accessing a user's email or data while they are absent and cannot be contacted. When these occasions arise the Information Technology staff member must obtain written permission from the Department director or City Manager prior to accessing the information/data. Staff must not conceal their identity when using Information Technology systems, except when the option of anonymous access is explicitly authorized. Staff are also prohibited from masquerading as or impersonating others or otherwise using a false identity.

Without specific authorization, staff may not remove or modify any City of Tigard owned or administered equipment or data from Information Technology systems.

Off Site Information Technology Equipment and Data Use Policy

Information technology equipment and data includes but is not limited to all individual computers, computing and telecommunications devices, telephones, all city records, and instructional materials.

Employees are required to obtain permission from their supervisor prior to taking computer equipment off site. Department directors are responsible for knowing who within their respective departments has possession of and the location of all information technology equipment taken off site.

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If the equipment has been kept off site for more than one month, and the equipment has been used on the internet and/or files loaded or any external devices attached to the computer equipment, it shall not be reconnected to the city's network without first being examined by Information Technology staff.

Employees are responsible for taking reasonable precautions against theft or damage to the computer equipment. Data of a confidential nature must be protected and must not be disclosed without authorization. Confidential data or information should be transferred using a secure device that requires authentication to access. If possible, the data should also be encrypted. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Software installations are to be performed by Information Technology staff only. Only software owned by the city and approved by the Information Technology Division shall be installed on city computers. Installation of personal software on any city-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to computer equipment is to be reported immediately to the Information Technology Division and your supervisor.

When computer equipment is returned to the city, the user is required to notify his supervisor, and to send a Help Desk ticket to Information Technology Division notifying them of the change of status of the computer equipment.

208.5 E-MAIL

E-mail is a communication tool provided to city employees to assist them in the performance of their job duties. Personal use of the city's e-mail system is not allowed.

The city's computers, email system and Internet connections may *NOT* be used to:

- Access a personal email account.
- Receive or send personal email.
- Visit social media sites (other than the city's sites).
- Perform personal business.
- Send email anonymously or without authorization.
- Support charitable, religious or political activities or causes (other than city-approved activities).
- Play games, stream music or stream personal videos.
- Download or install new programs, this requires departmental and IT approval.

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City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, offshore gambling and hate group sites are examples of inappropriate sites. Accessing these sites is a misuse of city property.

Use of Non-City (Personal) Computers/Tablets

Personal computer/tablet use is permitted only:

- During an employee's lunch period.
- During an employee's break period.

Non-city computers/tablets should be turn off during working hours except for lunch and break periods.

Employee Responsibility

If an employee receives an inappropriate e-mail, he or she must immediately respond to the sender with a copy of the city's warning message, found in I:\citywide\EMAIL WARNING.doc (Exhibit B). **A copy of the response, including the original sender's name and e-mail address, must be sent to the employee's supervisor**. This is to show the supervisor the employee made a good faith effort to dissuade the sender from sending inappropriate material. It also provides the employee protection if inappropriate materials are found in the employee's mailbox or hard drive.

If an employee receives a personal e-mail, he or she must immediately respond to the sender with a message notifying the sender the employee may not receive personal e-mail at the city. An example is available at I:\citywide\personal-mail.doc (Exhibit C).

Laws and Licenses Compliance

Users are required to comply with all software licenses, copyright laws, Oregon Government Standards and Practices Commission's guidelines, city policies, and state and federal laws when using the city's computers, sending or receiving e-mail or accessing or downloading information from the Internet.

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the city's standards of conduct. Employees will not engage in nor make or use unauthorized software copies under any circumstances. Legally acquired software in sufficient quantities for all computers will be provided by the city's Information Technology Division to meet the legitimate software needs for city work. The city and its employees will comply with all license and purchase terms regulating the use of any software acquired or used.

Because copyright infringement is an unlawful act, the city will maintain strong internal controls to prevent the making or using of unauthorized software copies. Compliance with software licenses and copyright laws is required. Failure to comply with these standards shall be grounds for disciplinary action, up to and including termination.

System Security

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All employees have a responsibility to take reasonable precautions to protect the city's computer system. Reasonable precautions include, but are not limited to, updating anti-virus software when requested by the Information Technology Division (IT) not allowing unauthorized access to the computer system, and safeguarding the employee's password.

If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact IT with the information. Information Technology will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

Email as a Public Record

Under Oregon's public records law, most electronic mail messages are clearly public records. The definition of public records in ORS 192.005(5) "includes, but is not limited to, a document, book, paper, photograph, file, sound recording, or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Under Oregon's public records law, most electronic mail messages created for business purposes are public records. Although some messages may not fall under the definition of public record, it is safest to assume all messages created could be considered public record. The only privacy an employee can expect is that afforded through disclosure exemptions. Email does not meet the definitions of public record may still have to be released as part of litigation. Since most messages are public records, the only privacy afforded government employees using government e-mail systems is minimal and an employee should have no expectation of privacy.

Public access and exemption from disclosure

E-mail is considered correspondence and like other forms of public records it must be made available to any member of the public upon request. Unless an e-mail message falls within one of the specific exemptions described in the public records statute, the e-mail record must be produced upon request. A person need not have a "legitimate" need for public records to be entitled to inspect them.

Please check with your supervisor, or the City Records Section, if you have a question on whether an electronic mail message should be provided to the public.

Retention and Disposition

The retention of records stored in electronic records systems, including e-mail systems, is governed by the city's retention schedule. If you have a question about the retention of a message, please contact staff in the City Records Section. There isn't one retention period that encompasses all email. Email is only a method of communication, so employees must evaluate each message to determine where it fits into the City's retention schedule. The City has adopted Oreogn Administrative Rule 166-200, City General Records Retention Schedule. The schedule is available online at: http://arcweb.sos.state.or.us/rules/OARS166/166200.html.

Because copyright infringement is an unlawful act, the city will maintain strong internal controls to prevent the making or using of unauthorized software copies. Compliance with software licenses

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and copyright laws is required. Failure to comply with these standards shall be grounds for disciplinary action, up to and including termination.

An e-mail mailbox should not be used for long-term storage. If an e-mail falls within the definition of a public record it should be put into the appropriate file. Retention may be a paper file or in the city's information management system (Laserfiche). Printed messages should include any attachments and all header information, i.e.time and date, routing information, etc. It is the responsibility of the holder of the official record to make sure the file is updated. For example:

- An updated record's policy is e-mailed to all employees. It is the responsibility of the person sending the e-mail to keep the record copy.
- A citizen calls and leaves a detailed message regarding a pending file; the receptionist forwards the message through the email system. It is the responsibilty fo the person receiving the message to to add the message to the file.
- E-mail related to a current project or issue may be retained on the system as a reference tool. Once the project is completed or the issue resolved the employee should verify all relevant e-mail is in the file and then delete the e-mail from their e-mail box.

E-mail is a form of correspondence and must be kept in accordance with state retention requirements. The retention schedule for electronic mail records incorporates several correspondence record series. Examples are:

Record Series Correspondence	Retention Period	Action to take
Ephemeral (junk mail)	Retain as needed	Read and delete
General	1 year	Read, print and delete
Financial	3 years	Read, print and delete
Policy and Historical	Permanent	Read, print and delete
Program	Retain for the same period as the program or functional records series to which it relates	Read, print and delete

Policy Compliance

Employees who violate any part of the *Computer Use, Electronic Mail and Internet Policy* may have e-mail access and Internet privileges suspended and may be subject to disciplinary action, up to and including termination of employment.

Exhibit B- E-mail warning

"The City of Tigard considers your enclosed e-mail as offensive and inappropriate use of city equipment. Please do not send me this type of material again. Should I receive similar material in the future I will forward it to Tigard City Administration who may contact and file a complaint with your Internet Service Provider and/or your Postmaster."

Exhibit C - Personal use of e-mail

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"The City of Tigard does not permit personal use of their e-mail system. Please direct all your correspondence to my home e-mail address. Thank you."

Working on a Non-City Computer

Using a personal electronic device such as a PDA, iPhone or a network, to access city electronic communications and documents for work may make the personal electronic device subject to a records search. Personal electronic devices should not be used for working directly on city documents without the approval from your department director.

A thumb drive (also known as a flash drive, pen drive or memory stick) should not be used to transport electronic communications and documents for work on a personal electronic device as this may make the personal electronic device and thumb drive subject to a records search.

No personal thumb drives should be used on city computers without approval from IT. Sending electronic communications or documents to a personal email account or other online account may make the email account or other online account subject to recoreds search.

Visual Private Network (VPN)

When using the city's VPN (a secure internet connection that connects outside computers to the city's network), no electronic work communication or documents should be downloaded to a personal device. If documents are downloaded to a personal device, this may subject the personal device to a records search. If work needs to be done on a local device outside of work, a city device should be borrowed after getting approval form your department director.

Even if an employee follows all city policies and does not download any documents to their device (personal computer, smartphone, PDA and any other electronic device) used to access the city's network or information, the employee's device might still be subject to a records search to confirm that no data was downloaded to the device.

Social Media (Facebook, Twitter, Texts or Other Social Neworks)

City of Tigard employees must follow the city's personnel policies when posting to blogs, wikis or any other form of user generated media on behalf of the city. Information posted is public information.

Employees must obtain approval form their director to post to social websites on behalf of the city. Messages sent or received via social networking sites may fall under the public records law. Check with the city's records staff for records retention requirements.

Follow Copyright, Fair Use and Public Disclosure Laws

Employees may not provide or post confidential information. Permission must be obtained from the appropriate person or department before publishing informaton.

- Clients, staff or suppliers may not be referenced without their approval.
- Employees shall not use city equipment or time to post personal items or access social media sites for personal use.

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- Employees must respect their audience and city policies when posting on behalf of the city.
- Employees may not use ethnic slurs, personal insults, obscenity, or engage in any conduct that violates city policies and/or would not be acceptable in the city's workplace.
- Follow copyright, fiar use and public disclosure laws.
- Employees may not provide or post confidential information. Permission must be obtained from the appropriate person or department before publishing information.

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Electronic Mail

211.1 REFER TO CITY OF TIGARD PERSONNEL POLICY 49.0 "ELECTRONIC COMMUNICATIONS"

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (e-mail) system by employees of this Department. E-mail is a communication tool available to Department employees to enhance the efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law, such as the Oregon Public Records Law set forth in Oregon Revised Statutes 192.420. Messages transmitted over the e-mail system must only be those that involve City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration or practices.

All employees of Tigard Police Department are governed by City Personnel Policy 49.0 (Electronic Communications).

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Administrative Communications

213.1 PURPOSE AND SCOPE

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

213.2 DEPARTMENT E-MAIL OR PRINTED NEWSLETTER

Department E-Mail or printed Newsletter (currently called the "Blue Review") may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

213.3 CORRESPONDENCE

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

213.4 SURVEYS

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

213.5 INFORMATIONAL MEMOS

The Chief of Police may issue memoranda to department personnel from time to time for the purpose of disseminating information to the members.

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The Mayor Nicoli Memorial Fund

214.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the disbursement of funds to people in need, based on the below listed criteria and approval by the on-duty supervisor.

Private citizens fund this program, and it is titled *The Mayor Nicoli Memorial Fund*. When distributing funds, be sure to advise the recipient that the funds are from private donations to the *Mayor Nicoli Memorial Fund*.

214.2 PROCEDURE

Each patrol supervisor will be issued $50 to disburse to people in need as a one-time assistance to him or her. This money may be used for such things as emergency gasoline, food, diapers, or other types of immediate needs that do not exceed $50.

The fund is managed by the Chief's Confidential Executive Assistant. The fund manager will maintain a ledger identifying the initial balance, credits, debits, and cash on hand. The fund manager shall disburse funds to supervisors as prescribed above. The supervisor receiving the funds will acknowledge receipt by signing the ledger entry at the time of the disbursement.

When a supervisor disburses funds to a needy person, the individual receiving the funds will sign the supervisor's disbursement form acknowledging receipt. The supervisor shall note on the form the name of the person receiving the funds, the amount given, the date, and the general purpose of how the funds will be used.

Supervisors may replenish funds by contacting the fund manager. Supervisors will submit a monthly accounting of the funds to the fund manager. The Operations Division Commander will do a quarterly audit, and the Chief will audit the fund annually.

Questions regarding the administration of the program should be directed to your supervisor.

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Staffing Levels

215.1 PURPOSE AND SCOPE

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

215.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least three regular officers on duty during the morning and the graveyard shifts and four officers during the afternoon shift and on the graveyard shift on Fridays and Saturdays whenever possible. Patrol Lieutenants will ensure that at least one field supervisor is deployed during each watch, in addition to the Patrol Lieutenant.

215.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as field supervisors in place of a field Sergeant.

With prior authorization from the Operations Division Commander, an officer may act as the Sergeant for a limited period of time.

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Concealed Handgun License

217.1 PURPOSE AND SCOPE

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

217.2 QUALIFIED APPLICANTS

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

217.3 APPLICATION PROCESS

Applicants for Oregon concealed handgun licenses must complete a written application, must submit to fingerprinting and photographing by the Sheriff, and the Sheriff shall conduct any investigation necessary to ensure that applicants meet the qualifications.

Immediately upon acceptance of an application for a concealed handgun license, the Sheriff shall enter the applicant's name into the Law Enforcement Data System (ORS 166.291).

217.3.1 WRITTEN APPLICATION

The Sheriff will provide, and the applicant must complete, a uniform application for a concealed handgun license (ORS 166.291).

217.3.2 FINGERPRINTING, PHOTOGRAPHING AND INVESTIGATION

The applicant must submit to fingerprinting and photographing by the Sheriff. The Sheriff shall fingerprint and photograph the applicant and shall conduct any investigation necessary to corroborate the qualification requirements. If a nationwide criminal check is necessary, the Sheriff shall request the Department of State Police to conduct the check, including fingerprint identification, through the Federal Bureau of Investigations (ORS 166.291).

217.4 DENIAL OF CONCEALED HANDGUN APPLICATIONS

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

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

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217.5 ISSUED CONCEALED HANDGUN LICENSES

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

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

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

217.5.1 LICENSE RESTRICTIONS

When a Sheriff issues a concealed handgun license, the Sheriff shall provide the licensee with a list of those places where carrying concealed handguns is prohibited or restricted by state or federal law (ORS 166.292).

217.5.2 CHANGE OF LICENSEE’S ADDRESS

If a licensee changes residence, the licensee shall report the change of address and the Sheriff shall issue a new license as a duplicate for a change of address. The license shall expire upon the same date as would the original (ORS 166.295).

217.5.3 REVOCATION OF LICENSES

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

A Sheriff may revoke a license by serving upon the licensee a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be included in the file of the licensee. The revocation is effective upon the licensee's receipt of the notice.

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

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

217.5.4 LICENSE RENEWAL

A concealed handgun license is renewable by repeating the application process, except for the requirement to submit fingerprints and provide character references. An otherwise expired concealed handgun license continues to be valid for up to 45 days after the licensee applies for renewal if: the licensee applies for renewal before the original license expires; the licensee has

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proof of the application for renewal; and the application for renewal has not been denied (ORS 166.295).

217.6 ANNUAL REPORT OF LICENSE REVOCATIONS

The Sheriff shall submit an annual report to the Department of State Police containing the number of concealed handgun licenses revoked during the reporting period and the reasons for the revocations (ORS 166.297).

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Retiree Concealed Firearms

219.1 PURPOSE AND SCOPE

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

219.2 POLICY

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

219.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

219.3.1 IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Tigard Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

219.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency

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to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Oregon law or by a private person or entity on his/her property if such prohibition is permitted by Oregon law.

219.4 FORMER OFFICER RESPONSIBILITIES

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

219.4.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

219.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

219.6 FIREARM QUALIFICATIONS

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

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Court Conflict Resolution

220.1 PURPOSE AND SCOPE

It is the purpose of this order to ensure that court conflicts be identified and resolved as soon as possible. The goal is to improve notification response to the agency that subpoenaed the Police Department employee through the implementation of a Court Coordinator, or if the Coordinator is unavailable, the appropriate on-duty supervisor. Conflict will be considered any court date set for a department member on a day where that member has another event scheduled. This will include, but not be limited to other court appearances, compassionate leave, family medical leave, training, sick day, vacation time, comp day and holiday time.

220.2 PROCEDURE

- A day shift supervisor will take over the listed responsibilities of the Court Coordinator
- Each supervisor assigned to day shift, swing shift, and graveyard will be required to update and maintain the computer generated shift schedule
- Upon receipt of subpoenas the Records Specialist will verify the court date listed on the subpoena with the listed Officers shift schedule maintained in the computer. Once verified, the Records Specialist will enter the subpoena information into the subpoena database.
- If a conflict is identified by the Records Specialist, they will be responsible for listing the conflict on the subpoena and placing subpoena in the officer's mailbox. The officer will then be responsible for notifying the Court Coordinator; or the shift supervisor if immediate action is required.
- The Court Coordinator will be responsible for contacting the subpoenaing agency, and advising them of the reason there is a conflict with that court date. This contact will be made by telephone, and written notice, or for DMV hearings, a T-Type will be sent. The written notice will be a fax form to the subpoenaing agency that requires a written return with acknowledgment of receipt and status of the subpoena.
- Should the Court Coordinator not be available to contact the subpoenaing agency within a reasonable time, the on-duty supervisor will assume the responsibility of contacting the subpoenaing agency by telephone and written notice.
- The Court Coordinator will contact the department member that was subpoenaed and advise of the current subpoena status.
- If the subpoena re-set is not granted, the department member is required to honor the subpoena for the date and time listed.
- The Court Coordinator will be responsible for maintaining all documents. This includes the subpoena, fax form or T-Types sent and received. These documents will be kept on file until the court dates have expired. Once the date has expired, the written documents will no longer be maintained. These files will be maintained in the Sergeant's Office.

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- Supervisors of specialty assignments in the Services Division will be responsible for coordinating and making the appropriate notifications for all conflicts that arise within their effected units.

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Chapter 3 - General Operations

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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.

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.

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.

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. 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 of all human life and dignity 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.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer 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. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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

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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 the 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.

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 TO EFFECT AN ARREST

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

(a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or

(b) For self-defense or to defend a third person from what the officer reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject’s mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 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 person can comply with the direction or orders of the officer.

(c) Whether the person 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.

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

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1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

(c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

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

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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 any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should 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.

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 NOTIFICATION 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 EMDT 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.

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(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the 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).

Persons 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 if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

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 subject upon whom force was applied. If this interview is conducted without the person 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.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject 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 non-compliance 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 WATCH COMMANDER RESPONSIBILITY
The Watch Commander 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.

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Use of Force Review Boards

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each division
- Commanding officer in the involved member's chain of command

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- Training Coordinator
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

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

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

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional

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actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

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

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

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

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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306.3.3 RESTRAINT OF JUVENILES

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

306.3.4 NOTIFICATIONS

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others. The department has authorized the use of designated protective helmets to reduce the potential of injuries to certain persons in custody.

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

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

As with all incidents involving an injury to a person in custody, whether claimed or otherwise apparent, a supervisor will respond to the scene when a prtotective helmet is to be used if practicable. One example of an authorized use for a protective helmet would be when a person in custody is striking their head against the cage or window of a transport vehicle.

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

Those who have been placed in a spit hood or protective helmet should be continually monitored and shall not be left unattended until the spit hood/protective hood is removed. Spit hoods shall be discarded after each use, and protective helmets will be decontaminated in the same manner as handcuffs using provided wipes/sprays before the next use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

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

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

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(d) Any known or suspected drug use or other medical problems.

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 WATCH COMMANDER RESPONSIBILITIES

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

308.4.2 FIREARMS COORDINATOR RESPONSIBILITIES

The Firearms Coordinator 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 Firearms Coordinator or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

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

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

308.5 BATON GUIDELINES

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

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

308.6 TEAR GAS GUIDELINES

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

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

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

308.7.1 OC SPRAY

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

308.7.2 PEPPER PROJECTILE SYSTEMS

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

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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.

308.7.3 PATROL SUPERVISOR'S RESPONSIBILITIES

(a) The Patrol Supervisor may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training. The request for a control device should be made through the Patrol Supervisor.

(b) The Patrol Supervisor shall investigate and document the use of control devices as outlined in Policy Manual § 300.4 and 300.5.

(c) The Patrol Supervisor shall ensure briefing training on the use of control devices is provided as needed.

308.7.4 TREATMENT FOR OC SPRAY EXPOSURE

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

308.7.5 PROGRAM COORDINATOR RESPONSIBILITIES

The Defensive Tactics Coordinator and the Firearms Coordinator or their designee shall control the inventory and shall issue all control devices respectively. All damaged, inoperative and/or expended control devices shall be returned to the responsible person for disposition, repair or replacement.

308.7.6 MAINTENANCE RESPONSIBILITY

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

308.8 POST-APPLICATION NOTICE

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

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308.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

308.10 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.

308.10.1 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.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.10.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

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The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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

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

308.10.3 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.

308.11 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER® devices.

309.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.2.1 DIRECTIVE SPECIFIC DEFINITIONS

The TASER cartridge - A device that contains two probes, connected to a light gauge wire that is propelled and attaches to the subject upon activation of the TASER.

Drive stun - The procedure of using the TASER with a spent cartridge or no cartridge to make physical contact with a subject and deliver energy.

Immediate cover - A member who stands ready to deploy additional control if needed. (e.g. the TASER is ineffective or it fails to function properly).

309.3 ISSUANCE AND CARRYING EMDTDEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.

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309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER 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:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

309.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

(c) Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

(d) The Taser shall not be used on handcuffed suspects unless the subject is actively engaging in aggressive physical resistance. Members should obtain, when time permits, supervisory authorization before deploying the Taser on a handcuffed suspect. If used, a supervisor will be notified immediately. An exception may be utilized in place of other physical control procedures when a handcuffed subject refuses or phyically resists being placed in a police vehicle. In this case, only a drive stun is authorized and when, if practical, a supervisor is

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notified and approves. The suspect should be warned and the Taser demonstrated with a spark test before any application. The suspect shall be given every opportunity to comply before being actually tazed.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

309.5.5 DANGEROUS ANIMALS
The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.5.6 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

309.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report and the Force Data Collection report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

309.6.1 HANDHELD TASER DEVICE (X26, M26, X3) MEDICAL TREATMENT
HANDLHELD TASER DEVICE TREATMENT

When the handheld TASER device (X26, M26, X3) is deployed on a person, other than those listed above in required medical treatment categories, using:

Drive stun mode: Tualatin Valley Fire and Rescue personnel will not be summoned to the scene unless medical treatment is necessary.

Probe deployment mode: Only emergency room staff or other trained medical personnel may remove the TASER probes that are embedded in soft tissue areas such as the neck, face and groin.

If the probes are embedded in the skin in other parts of the body, they may be removed by officers using protective gloves and swabbing the skin with alcohol wipes.

If the probes are not embedded in the skin, Tualatin Valley Fire & Rescue will not be summoned unless other medical treatment is necessary (probes may be attached to clothing only).

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309.6.2 REPORTS
The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

309.7 RESPONSIBILITY, ACCOUNTABILITY AND CONTROL

Member Responsibilities

Members carrying the M-26 and X-26 TASER shall ensure that the M-26 and X-26 TASERs are operational by conducting a spark test at the beginning of each shift. Units failing the spark test will be retested after a battery change. If they still fail, they shall be taken out of service, appropriately marked and a memo or email sent to the TASER Coordinator detailing the problem and identifying the specific TASER by serial number or department tracking number. Members carrying the X-26 TASER will also check the battery level at the beginning of each shift and ensure that the battery charge meets or exceeds recommended levels of 20 percent remaining battery life. Batteries at or below 20 percent shall be turned into a TASER instructor or Coordinator for a replacement. Batteries that have been turned in shall be used for training purposes. Rechargeable batteries shall be placed back in the charger.

Supervisor Responsibilities

Supervisors shall ensure that all pertinent information is documented in the appropriate reports and that all appropriate evidence is collected, following the use of the TASER. The supervisor will also complete a Use of Force Review Report. The Use of Force Review Report will outline the circumstances that lead up to the TASER deployment along with steps taken after deployment. The Use of Force Review Report will indicate that the supervisor has reviewed all of the relevant police reports and that they are complete to include, but not be limited to the following information:

(a) The cover member information.

(b) Actions of the suspect(s) and member(s) before and after deployment.

(c) The pre-deployment warnings

The supervisor will also make a recommendation on whether the deployment was within policy or not within policy. The Use of Force Review Report will be forwarded through channels to the Assistant Chief of Police.

Taser Coordinator Responsibilities

The TASER Coordinator is responsible for the following:

(a) Procurement, maintenance and issuance of the TASERs and associated equipment.

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(b) The training, certification and recertification of members in the use of the TASER.

(c) An annual review of the TASER program by January 1st of the following year. The review will include an analysis of all deployments, training and examination of the TASER policy. At the completion of the review, the TASER Coordinator will prepare a written document outlining the results and forward it to the Training Coordinator for submission to the Chief's office.

(d) Ensure that each TASER is downloaded after any deployment outside of training.

309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a TASER Coordinator or their designee and saved with the related Use of Force Review. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Coordinator. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Coordinator is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

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(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

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Officer-Involved Shootings and Deaths

310.1 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 as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

310.2 POLICY

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

310.3 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.

310.4 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.

310.4.1 TIGARD POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Tigard Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by this agency or an inter-agency team as designated in the Officer-Involved Shooting Checklist in conjunction with the District Attorney's Office

310.4.2 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).

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

310.4.3 TIGARD POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION
The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Tigard Police Department will conduct timely civil and/or administrative investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX
The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	**Criminal Investigation of Officer(s)**	**Civil Investigation**	**Administrative Investigation**
Tigard Police Department Officer in this Jurisdiction	Tigard Police Department Major Crimes Team	Washington County Major Crimes Team and District Attorney's Office	Tigard Police Department Civil Liability Team	Tigard Police Department Professional Standards Unit
Allied Agency's Officer in this Jurisdiction	Tigard Police Department Major Crimes Team	Washington County Major Crimes Team and District Attorney's Office	Involved Officer's Department	Involved Officer's Department
An officer From this department in Another Jurisdiction	Agency where incident occurred	Dictated by county where incident occurred	Tigard Police Department Civil Liability Team	Tigard Police Department Professional Standards Unit

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

310.5.1 INITIAL DUTIES OF INVOLVED OFFICERS
Upon arrival at the scene of an officer-involved shooting, the first uninvolved officer should:

(a) Immediately notify the police dispatcher of the incident and location. Do not delay the required notification except:
    - to protect others
    - to render first aid
    - to maintain the arrest or prevent the escape of a felon
    - to protect a crime scene
    - when the officer is incapacitated

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(b) Determine the physical condition of any injured person, request necessary emergency medical aid, and render first aid when appropriate.

(c) Secure the scene and preserve evidence.

(d) Remain at the scene (unless injured) until relieved by the on-scene supervisor.

(e) If a firearm was used, protect his/her weapon for examination.

(f) Inform the on-scene supervisor as to where the incident occurred, where possible evidence is located, and of any witnesses to the incident.

310.5.2 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Call and coordinate Life Flight if an officer is injured as appropriate and necessary, and take all reasonable steps to obtain emergency medical attention for all other apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s) individually, and attempt to keep them separate until interviewed by detectives if practicable. In the event that there are no "non-shooter" officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this Department to immediately provide public safety information necessary to secure the scene and pursue suspects. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on-scene supervisor should not attempt to order any officer to provide other than public safety information. Asking only questions necessary to supervise the scene from the involved officer(s) and advise them a more detailed debriefing will be conducted at a later time.

(e) Provide all available information to the Watch Commander (if other than him/herself) and WCCCA. If feasible, sensitive information should be communicated over secure alternative communication methods.

(f) Take command of and secure the incident scene ensuring suitable and adequate personnel and other resources are dispatched and respond appropriately to the incident scene until relieve by a detective supervisor or the Watch Commander if one is on-duty.

(g) If the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, i.e., violent crowd, the non-involved ranking officer at the scene shall have the discretion to instruct the officer to another more appropriate location.

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(h) Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

(i) Obtain information regarding the incident sufficient to write a report and write such a report before going off duty. Information received from the involved officer will be restricted to information that is necessary to begin the investigation, preserve evidence and protect life and property which is not available from any other source.

(j) Assist the Detective Unit as needed.

310.5.3 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the on-duty Watch Commander shall respond to the scene, take command and be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or a Division Commander.

The following person(s) shall be notified as soon as practical by the Watch Commander **AFTER** scene is secure:

- Chief of Police
- Division Commanders
- Washington County District Attorney & Major Crimes Team Coordinator
- Civil Liability Response Team (Chief, Assistant Chief, Risk Manager, and/or City Attorney)
- Public Information Officer
- Psychological/Peer support personnel
- Medical Examiner (if necessary)
- Officer representatives (if requested)
- Chaplain
- Companion Officer
- Traumatic Incident Team member through WCCCA

All outside inquiries about the incident shall be directed to the Watch Commander or their designee.

The Watch Commander or their designee will ensure that the spouse/significant other of the involved officers are physically notified utilizing the person(s) listed in the Emergency Notification completed by the officer(s). The supervisor or designee will assist as needed, giving and obtaining such information as may be helpful and providing whatever transportation as necessary.

The Watch Commander will remind, encourage, and allow all on duty personnel to contact their spouse/significant others to relieve them of their concerns, but they should be admonished to relay only that they were not directly involved and limit any further details in case other notifications to

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next of kin of involved officers has not occurred yet. Any information that is inaccurate or unverified can cause unanticipated harm.

When an officer's weapon is taken or left at the scene (e.g.,evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

Assign the involved officer(s) a Companion Officer(s) at the scene as soon as is practical. If the assigned Companion Officer is not on the involved officers "Companion Officer list", instruct the assigned Companion Officer to notify an officer from the list.

Assign the Companion Officer to transport the involved officer to a neutral location. If the involved officer is transported to a hospital, assign a Companion Officer to accompany them. Under no circumstances should involved officers be allowed or required to operate a motor vehicle after being involved in a deadly force incident.

310.5.4 MEDIA RELATIONS

A press release shall be prepared by the Public Information Officer (or Watch Commander in the PIO's absence) with input and concurrence from the agency representative responsible for each phase of the investigation. This release will be available to the Division Commander(s) and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police, Assistant Chief or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.5.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the station, the Patrol Lieutenant should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer(s) (ORS 181.789):

(a) Any request for department or legal representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communication.

(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.

(d) At least two sessions with a mental health professional shall be provided by the department to each involved officer within six months after the incident, and upon request, to any other affected officer. An involved officer must attend at least one such session (ORS 181.789).

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1. Interviews with a mental health professional will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
2. An interview or session with a mental health professional may take place prior to the involved officer providing a formal interview or report, but the involved officers 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.

(e) Communications with peer counselors are confidential and may not be disclosed by any person participating in the peer support counseling session (ORS 181.860). To be considered confidential communications under the statute, the peer counselor must:

1. Have been designated by a law enforcement agency or employee assistance program to act as a peer counselor, and
2. 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.

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

Detectives shall make reasonable accommodations to the officer's physical and emotional needs.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. An officer who uses deadly force that results in the death of a person shall not be returned to a duty assignment that place him/her in a situtation in which he/she has to use deadly force until at least 72 hours immediately following the incident (ORS 181.789). It shall be the responsibility of the Patrol Lieutenant to make schedule adjustments to accommodate such leave.

WEAPON/CLOTHING EXCHANGE

The weapon and clothing of any involved member shall also be surrendered, upon request, to an investigator. The weapon will be surrendered for ballistic test if necessary to determine the weapon that caused the injury and/or death. No member shall refuse to surrender any weapon. The clothing shall be surrendered for testing deemed necessary for evidentiary purposes. The exchange shall take place at a mutual location agreed upon by the lead investigator and involved officer or his/her representative.

RETURN TO DUTY

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. Officers who use deadly physical force that results in the death of a person shall not be returned to regular duty until at least 72 hours immediately following the incident and must have completed a counseling session with a department approved psychologist. It shall be the responsibility of the patrol lieutenant to make schedule adjustments to accommodate such leave.

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310.5.6 COMPANION OFFICER

(a) The primary responsibility of the Companion Officer is to provide for the involved officer's welfare and safety. The Companion Officer should remain with the involved officer until relieved by a supervisor.

(b) Transport the involved officer from the scene to a neutral facility that provides the utmost privacy to the involved officer (i.e. hotel).

(c) Avoid discussing the traumatic incident.

(d) Provide the involved officer the opportunity to contact the Tigard Police Officer's Association (TPOA) Representative or an attorney.

(e) Not allow the involved officer to wash his/her hands until the applicable tests are administered.

(f) Advise the on-duty supervisor of the location of the involved officer.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Criminal Investigation Section supervisor to assign appropriate detective personnel to handle the investigation of related crimes in compliance with the Officer-Involved Shooting Checklist. Detectives will be assigned to work with the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated under the direction of the District Attorney's Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

Detective Unit

Investigative personnel arriving at an incident scene will report to the on-scene commander and:

(a) Assume operational command of the scene, relieving the Patrol Supervisor in person after a briefing, and then notifying dispatch via radio so all assigned are aware. The Patrol Supervisor will then assist the Detective or Detective Supervisor as directed. A designated investigator will check the firearm of all officers who were present at the time of the incident to ensure that all discharged firearms are identified and collected, and to specifically document these weapons which were not fired.

(b) Assist designated outside agency investigators with their investigation and interview of potential witnesses as directed by the on-scene commander.

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(c) Assist designated outside agency investigators, as requested, by securing evidence, that will by its nature, diminish in time. This evidence may include but is not limited to:

- Blood samples from all involved parties
- Urine samples from all involved parties
- Photographs of the involved parties as they were dressed during the incident

310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the District Attorney's Office to provide guidance in a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to "partner" with investigators from the interagency investigative team so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

(a) Supervisors and Inspections Officer personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas 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 individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERS

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

Due to the traumatic nature of incidents involving use of deadly force, the officer will not be required to give a formal statement of the incident prior to twenty-four (24) hours after the incident. The twenty-four (24) hour period will allow the officer time to prepare for the statement and to organize his/her thoughts for an accurate and complete report. The formal statement or report refers to a lengthy report of the entire incident.

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While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview 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 involved 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 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.

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost 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 personnel for the following:

(a) Identify 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, officers should attempt to identify the witness prior to his/her departure.

(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 department personnel.

  1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Inspections Officer and will be considered a confidential peace officer personnel file.

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(a) Any officer involved in a shooting may be 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 or her prior statement before proceeding with any subsequent interview(s).

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, or if there are additional issues that were not covered in the criminal investigation, 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.

3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview.

4. The officer shall be informed of all constitutional *Miranda* rights and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Garrity* admonishment).

5. The administrative interview shall be considered part of the officer's confidential personnel file.

6. The Inspections Officer shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy .

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8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7.1 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department 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.

310.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

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 or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV 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.

310.9 RETURN TO DUTY

An officer involved in a use of deadly force involving a firearm may obtain from the firearms instructor up to 100 rounds of ammunition to shoot prior to or just after returning to duty. -The officer will be required to qualify with their weapon on an approved Tigard Police Department qualification course. This qualification is mandatory and is not an indication that the officer was at fault or was inadequately trained.

If the deadly force incident involves a motor vehicle, the officer will be required to participate in an Emergency Vehicle Operator's Course (EVOC) or a similar type of training. This training is mandatory and is not an indication that the officer was at fault or was inadequately trained.

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Firearms

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

312.2 AUTHORIZED FIREARMS

No firearms will be carried on duty until they have been inspected by the Firearms Coordinator or their designee. Except in an emergency, or as directed by a supervisor, no firearm shall be carried on duty by a member who has not qualified with that firearm at an authorized department range.

Only hosters approved by the Firearms Coordinator or their designee are authorized for duty or secondary firearm use.

312.2.1 DUTY HANDGUN

A duty handgun is defined as the primary handgun an officer carries while on duty. A duty handgun will be a Glock pistol that is chambered for 9mm.

Officers assigned to specialty or plainclothes assignments may be issued a Glock model 19 or 26 as their duty handgun, and may request permission from the Chief to carry another variant of Glock pistols chambered in 9mm at their own expense. When their assignment concludes, they shall exchange any issued weapon for a Glock model 17 or Glock model 19. Members with a rank of lieutenant and above may also carry a Glock model 19 or 26 due to their largely administrative duties. The Glock 17, 19 and 26 are the only handguns that will be issued by the department. At no time will any member be issued more than one handgun.

All sworn members are required to carry their duty firearm while on duty, as outlined in this policy, unless expressly exempted from doing so by a supervisor.

312.2.2 AUTHORIZED SECONDARY FIREARM

A secondary firearm is defined for the purposes of this policy as any variant of Glock handguns. The officer must have qualified with this handgun using the standard 25 yard HQC course of fire.

A backup firearm is defined as a concealed handgun carried in addition to the duty handgun while on duty.

Officers desiring to carry a secondary or backup firearm are subject to the following restrictions:

(a) The secondary or backup firearm shall be in good guality and workmanship as deemed by the Firearms Coordinator.

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(b) The purchase of the backup firearm and ammunition (if not 9mm) shall be the responsibility of the officer.

(c) The backup firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) The secondary and backup firearm shall be subject to inspection whenever deemed necessary by a supervisor and at least annually by the Firearms Coordinator or designee.

(e) Ammunition for a backup firearm shall be the same as department issue, and if the caliber is other than department 9mm issue, the Firearms Coordinator shall approve the ammunition.

(f) Personnel shall qualify with the secondary firearm under department range supervision.

(g) Officers must demonstrate proficiency, safe handling and serviceability of the firearm to the extent required by the Firearms Coordinator or their designee at all range qualifications.

(h) Personnel shall provide written notice in the form of a memorandum with the make, model, color, serial number, method of carry and caliber of a secondary firearm to the Firearms Coordinator prior to qualifying. This memorandum will be maintained in the officer's training file.

(i) Officers attending court (where allowed by the court), attending training in plain clothing, or working a plain clothes detail that requires a concealed firearm, may carry the secondary firearm as their only duty firearm if it is a variant of Glock handgun that uses 9mm and is loaded with department issued ammo.

312.2.3 AMMUNITION AND MAGAZINES

Officers shall carry only department authorized ammunition and magazines while on duty. Officers shall be issued replacement duty ammunition on a schedule that is determined by the Firearms Coordinator. Duty magazines for department issued weapons will be inspected and replaced as needed. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Firearms Coordinator or designee.

312.2.4 ALCOHOL AND DRUGS

Weapons shall not be carried by any officer who has consumed alcoholic beverages or taken any drugs that adversely affect the officer's sense or judgment.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members may draw or exhibit their firearms when they feel such action is necessary for their protection or for the protection of others. Members should only point a firearm at another person when there is an immediate threat or perceived threat to the member's personal safety or the safety of others.

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(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Coordinator or their designee. Officers shall not dry fire or practice drawing their firearms except under range master supervision.

(c) Officers shall not load or unload a firearm anywhere in the department facility, except where clearing barrels are present and after adequate steps have been taken to ensure no accidental discharges might occur.

(d) Shotguns or rifles removed from vehicles or equipment storage room shall be loaded and unloaded using designated clearing barrels.

(e) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of all Tigard officers to make sure that persons from outside agencies do not enter the jail section with any firearm.

(f) Officers shall not use or be issued any automatic weapon, heavy caliber rifle, gas or other type of chemical delivery weapon (from the armory) except with approval of a supervisor.

(g) Any weapon authorized by the department to be carried on duty that is found by the officer to be malfunctioning or needing critical service shall not be carried and shall be promptly presented to the department Firearms Coordinator or their designee for inspection. Any weapon determined to be in need of service or repair during an inspection by the Firearms Coordinator or their designee, will be immediately removed from service for duty use. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued until the duty weapon is again rendered serviceable.

312.3.1 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults. The department shall provide all sworn members with a storage safe to use for this purpose.

312.3.2 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on-or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Divison Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify twice annually with their primary and secondary duty weapons on an approved range course as indicated below. In addition to obtaining qualifying scores, officers will be required to state their understanding of the department's Use of Force policy. The Firearms Coordinator or their designee shall submit records of all qualifications, repairs, maintenance and training as directed by the Training Coordinator to an established file. In addition to regular qualification schedules, the Firearms Coordinator shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. In addition to the above mentioned training, the Firearms Coordinator may plan other training sessions that may be deemed as mandatory for all sworn members. Mandatory range qualifications for primary and secondary firearms are as follows:

(a) Members shall qualify with every firearm they carry on duty. The qualification standard shall be determined by the department training plan.

(b) A minimum of two weeks notice will typically precede the mandatory qualifications course. Members are required to be excused by their Watch Commander if unable to make a scheduled qualification.

(c) Courses of fire and targets will be determined by the Firearms Instructor and according to the training plan for the session as approved by the Firearms Coordinator. All firearms training will be conducted by qualified Firearms Instructors.

(d) Members shall qualify with their approved holsters, magazines, weapons and full duty belt. Members assigned to plainclothes duties will qualify in attire similar to that which is worn on duty. Other equipment and safety considerations may be required by the Firearms Instructors.

(e) Members of the Tactical Negotiations Team (TNT) and detached assignments such as WIN, Task Force Officers, and Transit Division may qualify with their respective units as long as they meet the timelines prescribed by the departmental qualification schedule and provide acceptable documentation of their range scores to the Tigard Police Department's Training Unit. This exemption must be approved in advance the by the Firearms Coordinator.

312.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period. These memorandums will be forwarded to the Training Coordinator for rescheduling.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

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Members who fail to qualify on their first shooting attempt (cold qualification) shall be provided remedial training. Additional range assignments may be required until consistent weapon proficiency is demonstrated and will be subject to the requirements detailed in section 312.4.2.

312.4.2 PROFICIENCY REQUIRED

Qualification with designated weapons of the department is a bona-fide job requirement for all sworn employees.

If a member is able to shoot a 98-100% score with their duty firearm on a "cold' qualification attempt, they shall have their name placed on the department's firearm plaque. If a member records 5 perfect 100% scores in a row with their duty firearm on "cold" qualification attempts they will be awarded the "Distinguished Shooter" pin and shall have their name permanently placed on the department's distinguished firearm plaque.

(a) To qualify with the primary duty handgun a member must attain a minimum score of 85 out of 100 on the 25 yard Handgun Qualification Course (HQC), or pass any current DPSST qualification course as selected by the Firearms Coordinator. Given the low ammunition capacity of many backup firearms, a member will be allowed to attempt qualification with their approved backup firearm using the Backup Firearm Qualification Course (BFQC). Members issued a AR-15 patrol rifle must attain a minimum score of 90 out of 100 on the approved Basic Rife Qualification Course (BRQ). Nothing in this policy precludes the Chief of Police or designee (Firearms Coordinator) from implementing other qualifcation courses.

(b) If a member fails to shoot a "cold" qualifying score on the first attempt, they will receive remedial training within the same training session. Members will then be allowed two more chances at "conditional" qualification during that same training session.

(c) Members who successfully fire a qualifying score on their second or third attempts will be considered "conditionally" qualified. This condition will require remedial training as designated by the Firearms Coordinator and a successful "cold" qualification within three (3) weeks.

(d) If a member fails to shoot a qualifying score (following the conditional qualification) or cannot conditionally qualify, the range master shall notify their immediate supervisor as soon as possible; at which time the member will be immediately reassigned to administrative duties where contact with the public is unlikely. Reassignment and mandatory remedial firearms training by the Firearms Coordinator, or their designee will be arranged by the member's supervisor. The member shall not carry a firearm on duty until they have successfully completed a cold qualification attempt within the prescribed three (3) weeks.

(e) Members who fire a successful "cold" score will be officially qualified and no further remedial training will be required.

(f) If a member fails to qualify "cold" after receiving the prescribed training and qualification opportunities, the member's Watch Commander will direct a memorandum to the Division Commander. The memorandum will contain a report from the Firearms Coordinator about the

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officer's performance and will document the remedial training and qualification attempts. The member's Watch Commander will recommend a course of action.

Minimum proficiency is a condition of employment for sworn personnel and failure to achieve those standards is cause for termination of employment. If after remedial training, as described above, the member is still unable to achieve the minimum proficiency requirements, it may be cause for termination. If a reserve officer fails to qualify, they will immediately be suspended from the Reserve Unit until they can demonstrate the ability to achieve the minimum proficiency requirements. A reserve officer can be released from the Reserve Unit for failing to qualify.

312.5 FIREARMS COORDINATOR DUTIES

The range will be under the exclusive control of the Firearms Coordinator or their designee. Any variation from approved procedures addressed in this policy or not specifically addressed in another policy must be approved by the Chief of Police through the Firearms Coordinator. The Firearms Coordinator is a sworn member of command rank, appointed by the Chief of Police, to oversee all aspects of firearms used and training. A range master is any member who has been designated as such by the Firearms Coordinator and who has completed an approved course in firearms instruction and range safety. All members attending department firearms training or qualifications will follow the directions of the designated range master. The Firearms Coordinator or their designee will maintain a roster of all members attending all range sessions and will submit those rosters to the training unit.

The Firearms Coordinator or their designee has the responsibility of making periodic inspection, at least once a year, of all primary and secondary weapons carried by officers of this department to verify proper operation. The Firearms Coordinator has the authority to deem any privately owned weapon unfit for service, and that authority is delegated as well to designated range masters during training sessions. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Firearms Coordinator or their designee.

312.6 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition as determined by a supervisor. Unless otherwise issued by the department, maintenance and repair of personally owned weapons used on duty may be the responsibility of the employee.

312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Firearms Coordinator or their designee shall be the only person(s) authorized to repair or modify any department owned weapon. All repairs and/or modifications of department issued weapons not performed by the Firearms Coordinator or their designee must be approved in advance by the Firearms Coordinator and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Firearms Coordinator before use on duty; those repairs or modifications will be documented in detail and retained within the officer's training file maintained by the Training Officer.

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312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their department identification card, which must contain a full-face picture and the signature of the Chief or the official seal of the department, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g. driver license, passport).

(c) In accordance with TSA procedures, the department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer(s). The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.

(e) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the Firearms Coordinator or their designee.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter. Individual carriers will have this information.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm, but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.8 CARRYING FIREARMS OUT OF STATE

Pursuant to Title 18 United States Code 926.B; full-time sworn officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions:

(a) The officer shall carry their department identification whenever carrying such weapon.

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(b) The officer will remain subject to this and all other department policies (including qualifying and training) and may not be the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

Officers are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

312.9 REVIEW BOARD

A review board shall be convened whenever a firearm has been discharged in the line of duty to determine the facts of the incident. Boards may be convened to review the shooting of animals.

(a) To establish the Review Board, the Chief of Police will appoint five (5) members to the board; at least one shall be from the involved employee's peer group and one a current Firearms Instructor.

(b) The involved employee has 24 hours to eliminate two names from the Board. Of the remaining members , the Chief will designate the Chairman.

(c) The Review Board shall consider all reports and Grand Jury actions concerning the incident.

(d) Hearings by the Review Board shall be informal.

(e) A hearing is an internal, administrative process held in private.

(f) Review Board decisions will be by majority vote. All findings will be signed by all members with indication of concurrence or dissent.

The Review Board shall make one of the following findings:

1. The discharge was within guidelines of the department.

2. The discharge was not within guidelines of the department.

A report of the Review Board's findings shall be sent to the Chief of Police.

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Vehicle Pursuits

314.1 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.

314.1.1 POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is 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 driving in a legal manner but willfully failing to yield to an officer’s signal to stop.

314.2 OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit Officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (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).

314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(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) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) 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 the speed of the pursuit relative to these factors.

(f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) The emergency equipment present on the vehicles used in the pursuit.

(j) Vehicle speeds.

(k) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(l) Availability of other resources such as helicopter assistance.

(m) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoners in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves 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.

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In addition to the factors listed in Policy Manual § 314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicles 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 location is no longer definitely known

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged

(e) Hazards to uninvolved bystanders or motorists

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Directed by a supervisor

(h) When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance must be given. If there is only the primary pursuing vehicle, then this vehicle must stop to provide immediate assistance. The officer will notify the dispatcher the pursuit is being terminated.

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. 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.

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units 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 suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then,

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if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 VEHICLES WITHOUT OVERHEAD LIGHT BARS

Officers operating police motorcycles, non "pursuit rated" SUV (sport utility vehicles) or unmarked vehicles equipped with emergency lights and siren may engage in pursuits; however, whenever marked vehicles become available to assume the pursuit initiated by an officer in an unmarked vehicle, a non "pursuit rated" SUV or a motorcycle, those officers shall not continue in the pursuit unless directed otherwise by a supervisor.

314.3.2 PRIMARY UNIT RESPONSIBILITIES

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

Notify WCCCA that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

(a) Reason for the pursuit.

(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.

In order to concentrate on pursuit driving the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to a secondary unit or aircraft joining the pursuit, unless practical circumstances indicate otherwise.

314.3.3 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit

(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

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314.3.4 PURSUIT DRIVING TACTICS

The decision to use or not 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:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Officers shall not pursue suspects the wrong way on any interstate highway, controlled access highway, or any divided roadway. When the suspect enters the wrong way on a controlled access highway, freeway or divided highway, the officer is to parallel, traveling the proper direction on the proper side of the roadway. When an officer is in pursuit of a vehicle that enters a freeway, the Oregon State Police shall be notified and requested to assist in the pursuit.

(c) No officer shall become involved in a vehicular pursuit if an arrested person, suspect, complainant, witness, or civilian observer is in the police vehicle. The officer must let the rider out and notify the supervisor of the location before engaging in a pursuit.

314.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. 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. 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.

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.

314.3.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, 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 unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

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314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

The on-duty supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit 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 are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy

(f) Ensuring that the proper radio channel is being used.

(g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(h) Control and manage TPD units when a pursuit enters another jurisdiction.

(i) Oversee arrest procedure whenever possible.

314.4.1 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

314.5 COMMUNICATIONS

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. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, WCCCA will:

(a) Clear the channel on which the pursuit is being broadcast.

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(b) Coordinate pursuit communications of the involved units and personnel.

(c) Notify and coordinate with other involved or affected agencies as practical.

(d) Ensure that a field supervisor is notified of the pursuit.

(e) Assign an incident number and log all pursuit activities.

(f) Broadcast pursuit updates as well as other pertinent information as necessary.

(g) Notify the Watch Commander as soon as practical.

314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, 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.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary 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 jurisdiction is expected to assist.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit is initiated by any law enforcement agency, and the pursuit enters another jurisdiction, the initiating unit(s) and their jurisdiction shall notify the other agency. The agency which the pursuit has entered into will assume the primary pursuit as soon as possible. If this agency is not able to assist in the pursuit, the initiating agency will maintain the responsibility of the pursuit. Inter-agency pursuits will be conducted in accordance with the Portland Metropolitan Interagency Pursuit Agreement.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

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(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

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

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace 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.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, 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.

314.7.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks 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. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

314.7.2 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.

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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 roadblock, barricade or blockade.

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

Spikes or Tack Strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

314.7.3 USE OF FIREARMS

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

314.7.4 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 deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment 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 threat to public safety 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 should only be employed by officers who have received training in such tactics after giving consideration to the following:

    1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
    2. All other reasonable intervention techniques have failed or reasonably appear ineffective .
    3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
    4. The target vehicle is stopped or traveling at a low speed.
    5. At no time should civilian vehicles be used to deploy this technique.

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(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure upon consideration 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. With time and opportunity permitting, the pursuing officer should get authorization from a supervisor to utilize PIT. PIT will not be used on two-wheeled vehicles, passenger occupied buses, and vehicles transporting hazardous material or any vehicle that would pose an unusual hazard to innocent parties.

1. A pre-emptive PIT may be used when there is probable cause to arrest the driver or an occupant of a vehicle and when there is an objective reasonable belief that the vehicle may attempt to elude or the suspect has a history to elude to prevent a pursuit. The use of a pre-emptive PIT should be attempted with additional members to provide cover and to assist in the custody. When appropriate, a pre-emptive PIT should be done without the use of overhead lights and/or vehicle siren.

2. The use of the PIT maneuver on a vehicle at speeds up to 45 mph may be considered a use of physical force as defined in this policy. Under the circumstances in which it is intended to be used, the PIT maneuver used on vehicles in excess of 45 mph may be considered a greater use of force, including deadly physical force. Members should take into account the location, environment, and the presence of pedestrians prior to employing the PIT technique.

(c) Roadblocks and ramming of suspect vehicles are actions that are approved only when the use of Deadly Force is authorized. Time and opportunity permitting, the pursuing officer will get permission from a supervisor before attempting these techniques.

314.7.5 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, 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.

314.7.6 USE OF SPIKE STRIPS

Use of the spike strip must be documented in the supervisor's Pursuit Review Report and should answer the following questions:

(a) Did the spike strip successfully terminate the pursuit?

(b) How long after the suspect vehicle ran over the spike strip did the vehicle stop?

(c) Did the suspect retain control of the vehicle after encountering the spike strip?

(d) How many tires on the suspect vehicle were deflated?

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(e) How many minutes were required to physically deploy the spike strip?

(f) Was anyone injured as a result of the use of the spike strip?

1. If so, who?
2. nature of injuries?

(g) Did a collision occur after the suspect ran over the strip?

(h) What did the suspect(s) do after their vehicle stopped?

(i) Were any arrest made?

314.8 REPORTING REQUIREMENTS

After every vehicle pursuit, all officers involved will complete a written report detailing their actions and considerations. The duty supervisor will conduct a debriefing of the incident and complete a Tigard Police Department Pursuit Review Report. Once the Pursuit Review Report is completed, it will be forwarded to the inspections officer.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate 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.

314.8.2 POLICY REVIEW

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

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Spike Strip Policy

315.1 PURPOSE AND SCOPE

The hollow spike strip is a device that may be utilized in pursuit situations after the policies regarding violator pursuit have been followed and the violator/suspect has failed to stop; or in situations involving stationary vehicles were there is a likelihood of vehicle pursuit.

Spike strips are a tire deflation device used to terminate a vehicle pursuit. The device is a triangular stick, three feet in length, containing hollow spikes that get embedded in the tires of the pursued vehicle after it passes over. The embedded spikes cause a controlled deflation of the tires, which allows the driver to maintain control of the vehicle as speed is reduced. The "STOP STICK" is the only spike strip authorized for use by members of the Tigard Police Department.

315.1.1 DEPLOYMENT GUIDELINES

(a) No officer shall deploy spike strips unless the following criteria have been met:

1. The officer has received the designated training for deployment as established by the Tigard Police Department.
2. The deployment of the spike strip has been authorized by a supervisor.
3. The deploying officer must advise pursuing vehicles, by radio, that spike strips will be used, where they will be used and any officer controlled lane restrictions established. Communication must be constant and continuous to ensure all pursuing patrol officers' safety.
4. Spike strips will be used when there is no risk to anyone but the pursued vehicle occupants. Officer and citizen safety, as well as existing conditions, should be considered prior to spike strip deployment.
5. The roadway where the spike strip will be deployed and the roadway beyond is to be straight and level whenever possible.

(b) Spike strips (3 ft in length or smaller) may be deployed in stationary vehicle situations for the following purposes:

1. To prevent a vehicle from being moved by a suspect attempting to flee a scene; or
2. To prevent movement of a vehicle which is, or possibly will be evidence.

(c) When and where spike strips should NOT be deployed:

1. To terminate pursuits involving motorcycles, or other two wheel vehicles, school buses, or vehicles carrying hazardous materials.
2. Roadways bounded by steep descending embankments.
3. Areas of special events or activities.
4. Curves or locations where the safety of oncoming traffic cannot be ensured.

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5. Construction zones.

(d) Outside agency requests for spike strip deployment will be at the discretion of the supervisor and in accordance with Policy 314.

(e) Measures should be taken to divert other traffic from the area or to prevent unnecessary damage to other vehicles.

(f) Deploying officer should remove spike strip immediately after the suspect vehicle passes over it.

(g) Use of the spike strip must documented in the supervisor's Pursuit Review Report and should answer the following questions:

1. Did the spike strip successfully terminate the pursuit?
2. How long after the suspect vehicle ran over the spike strip did the vehicle stop?
3. Did the suspect retain control of the vehicle after encountering the spike strip?
4. How many tires on the suspect vehicle were deflated?
5. How many minutes were required to physically deploy the spike strip?
6. Did any patrol vehicle or citizen's vehicle run over the spike strip?
7. Was anyone injured as a result of the use of the spike strip?
   (a) if so, who?
   (b) nature of injuries
8. Did a collision occur after the suspect ran over the strip?
9. Where any arrests made?

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

316.2 RESPONSE TO CALLS

Officers responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

Officers shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Officers responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to ORS 820.300 and ORS 820.320. Officers shall only use the wail and yelp function of the siren as an emergency sound. The hi-lo function of the siren is not considered an emergency sound pursuant to OAR 735-110-0000(8) and OAR 735-110-0010(1-3).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons.

ORS 820.320(2) allows officers to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence, Officers who fail to use appropriate warning equipment, are not exempt from following the rules of the road (ORS 820.300).

316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify WCCCA.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

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316.3.1 NUMBER OF UNITS ASSIGNED
The Patrol Lieutenant or field supervisor will adjust the number of units responding to a particular call for service if it is their judgment to do so.

316.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections as may be necessary for safe operation.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify WCCCA. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.5 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Patrol Lieutenant or a field supervisor prior to assigning units Code-3. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Patrol Lieutenant

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Patrol Lieutenant or field supervisor

316.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Patrol Lieutenant or the field supervisor shall verify the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

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(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Patrol Lieutenant or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Patrol Lieutenant, field supervisor, or WCCCA of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

318.2 GUIDELINES FOR THE USE OF CANINES

(a) A canine may be used to track, watch, contain or search an area for lost or missing persons, evidence, narcotics and other contraband (if specifically trained in narcotic detection), persons of interest or suspected of minor violations or statutory offenses. During such use, the canine shall remain on a lead and shall not be allowed to apprehend or come into contact with a person or suspect unless it becomes necessary to:

1. Protect the handler of the canine.
2. Protect another officer.
3. Protect a member of the public.

(b) A canine may be used to locate and apprehend a suspect using mouth contact (bite) if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

1. The individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
2. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
3. The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
4. The individual is continuing an attempt to escape and will not submit to apprehension.
5. The individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(c) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

1. The canine shall not be used for the following:
   (a) To search for other animals.
   (b) For crowd control, to include breaking up parties, family fights, or bar disturbances.

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(c) Absent reasonable belief that an individual has committed or threatened to commit a criminal offense, mere flight from pursuing officer(s) shall not serve as cause for the use of a canine to apprehend an individual.

318.2.1 PREPARATIONS FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:

(a) The individual's age or estimate thereof

(b) The nature of the suspected offense

(c) Any potential danger to the public and/or other officers at the scene if the canine is released

(d) The degree of resistance or threatened resistance, if any, the subject has shown

(e) The potential for escape or flight if the Police dog is not utilized

(f) The potential for injury to officers or the public caused by the suspect if the Police dog is not utilized

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. The handler shall explain the rationale for not deploying the canine to the on-duty supervisor. The handler shall go to the scene before announcing the decision not to deploy. Generally, the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth or surrenders shall be made prior to releasing a canine. A reasonable amount of time shall be allowed for the suspect to respond, if feasible. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the case of building searches where multiple levels are present a warning shall be given on each floor. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

318.2.3 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

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(a) Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual if located.

(b) Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.

(c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

(d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.

318.2.4 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, the Computer Aided Dispatch K9 mask will be used to record the specifics of the deployment.

After any deployment of the canine that results in an intentional use of force bite, an accidental bite or an alleged bite by the canine, on on duty supervisor shall be contacted as soon as reasonably possible. If a bite or injury results from the use of the canine, that information shall be documented in the following manner:

In the case of a use of force deployment with the canine or when a person alleges they were bitten, the procedures established under Policy 300 "Use of Force" shall be followed, including rendering first aid, photographing the injured areas, use of the Force Data Collection Report and a review by the supervisor. In the case of an accidental bite, the incident will be documented in the case report narrative. A separate memorandum will be written by the handler to the K9 Coordinator.

The following information should be recorded in the case of an accidental bite:

(a) In all cases of bite or injury resulting from an accidental bite, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer should standby with the suspect until treatment has been rendered. Photos will be attached to the handler's memorandum and forwarded to the unit coordinator for review.

(b) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.

(c) In the case of an accidental bite, the canine handler's memorandum shall include the facts surrounding the deployment of the canine and the circumstances leading to the accidental bite. This memorandum can include the handler's recommendation as to whether the accidental bite was the result of a failure of policy, procedure or training. This memorandum shall be completed as soon as practical and forwareded to the canine unit coordinator for review.

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(d) Upon receipt of the accidental bite memorandum, the unit coordinator shall evaluate the accidental bite. This evaluation can include a review of all associated documents, photos, videos and witness statements. The purpose of the evaluation is to identify any potential problem with or failure of policy, procedure or training. The unit coordinator shall record their findings and any recommended remedy in memorandum format to be forwarded to the Patrol Operations Division Commander via the chain of command.

(e) The Patrol Operations Division Commander has the authority to determine if this review needs to be forwarded to the City of Tigard Risk Manager or if further action is needed.

(f) At a minimum, the finalized review shall be maintained in the working file of the canine for the service life of the dog and as long as records retention law require.

(g) If a problem with or failure of training is specifically identified in the evaluation of the accidental bite, the unit coordinator shall liaison with the canine program training partner to establish what changes are needed to remedy the issue. The unit coorinator will document a proposed training plan and forward it to the Patrol Operations Division Commander for review.

In any case where the canine bites a person, the canine handler shall notify the local public health administrator immediately should their assigned canine develop abnormal behavior within 10 days of the biting incident (OAR 333-019-0024).

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Lieutenant in charge of the Canine Unit.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a Canine Use Report Form.

318.2.7 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Operations Division to supplement and assist Patrol.

The canine handler's primary duty is that of a Tigard Police officer who is responsible for calls for service and other routine patrol functions that may or may not require canine assistance. The canine is an additional patrol tool that should be implemented as needed.

The canine team may be assigned by a patrol supervisor to other functions based on the needs of the watch at that time.

318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of Patrol shall go through the Unit Coordinator or the Patrol Lieutenant.

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318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Patrol Lieutenant, Unit Coordinator or on-duty supervisor must approve all requests for canine assistance from outside agencies subject to the following provisions:

(a) Canine teams shall only be used for assignments that are consistent with this policy.

(b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.

(c) Canine teams shall not be called out while off duty or used outside the boundaries of the City of Tigard unless authorized by the Patrol Lieutenant or the Unit Coordinator.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) Tigard Police Department officer (currently off probation)

(b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates)

(c) Have a garage which can be secured and accommodate a canine unit

(d) Live within 30 minutes travel time from the Tigard City limits

(e) Agree to be assigned to the position for a minimum of three years

318.5 CANINE HANDLER RESPONSIBILITIES

318.5.1 AVAILABILITY

The handler shall be available for call-out under conditions as specified by the Unit Coordinator.

318.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

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(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view.

(c) When a handler takes a vacation or extended number of days off, the canine vehicle shall be maintained at the Police facility.

(d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.

(f) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Watch Commander.

(i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander.

(j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

(k) Handlers should not tether a canine in a manner that would violate 2013 Oregon Laws c. 382 § 2.

318.5.3 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

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318.5.4 HANDLER COMPENSATION
The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Collective Bargaining Agreement.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.6.2.

318.6.1 NON-EMERGENCY MEDICAL CARE
Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Patrol Lieutenant as soon as practical.

All records of medical treatment shall be maintained by the canine handler in the canine's medical file.

318.6.2 EMERGENCY MEDICAL CARE
The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care is required.

318.7 TRAINING

Before assignment in the field, each canine team must have completed at least 360 hours of training in the care and use of the law enforcement animal, or must have passed the demonstration of minimum standards established by the Oregon Police Canine Association or other accredited and recognized animal handling organization (Oregon Revised Statutes 167.310). Cross trained dog teams or those dog teams trained exclusively for the detection of drugs and/or explosives shall be trained and certified to meet the standards established for such detection dogs

318.7.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to current Oregon Police Canine Association standards (as applicable) on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training as defined by the department's canine training provider

(b) Canine handlers are encouraged to engage in additional training with approval of the unit coordinator

(c) In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Tigard Police Department

(d) All canine training shall be conducted while on-duty unless otherwise approved by the unit coordinator or Patrol Lieutenant

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318.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any dog team failing Oregon Police Canine Association canine certification standards (as applicable) shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to a designated Patrol Lieutenant with oversight responsibility. The Unit Coordinator shall be responsible for, but not limited to, the following:

(a) Reviewing all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.

(b) Maintain liaison with the vendor kennel.

(c) Maintain liaison with administrative staff and functional supervisors.

(d) Maintain liaison with other agency canine coordinators.

(e) Maintain accurate records to document canine activities.

(f) Recommend and oversee the procurement of needed equipment and services for the unit.

(g) Be responsible for scheduling all canine related activities.

(h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

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Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

320.2 POLICY

The Tigard Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.2.1 INVESTIGATION PROCEDURES

Officers responding to domestic violence incidents shall conduct thorough investigations, including interviewing children, neighbors, and other potential witnesses. The same standards for probable cause apply to domestic violence offenses as for any other crime. When responding to an incident, officers are to observe the following guidelines for entry to premises:

- Officers may enter private premises with the permission of someone in lawful control of the premises, or
- Officers may enter private premises when it appears reasonably necessary to perform "community caretaking functions" as defined in O.R.S. 133.033.

In addition to a statement regarding the elements of the crime, officers must use the Domestic Violence Investigaton Card to gather information for the Domestic Violence Supplemental Report. Officers should ask questions as indicated below:

- the nature of the relationship, including children;
- length of time in the relationship;
- frequency of interaction between the parties;
- if the relationship was terminated, how that happened and length of elapsed time between termination and current DV event;
- the ownership or presence of firearms;

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- prior history of domestic disputes, violence or threatened violence, to include existence of restraining orders, no-contact orders or other protective orders currently in effect;
- and any other information the officer thinks of that will be of value in determining if a case of domestic violence has occurred.

320.2.2 DOMESTIC VIOLENCE RESOURCE TEAM RESPONSIBILITIES

Members of the DVRT will be responsible for conducting follow-up investigations on domestic violence incidents where additional victim contact will be beneficial. These investigations should include photographing of injuries even if they have been photographed prior. And an attempt to solicit additional information that may not have been disclosed at the time of the original incident. These investigations will include follow-up requested by the District Attorney's Office or as deemed necessary by the DVRT supervisor.

The DVRT supervisor and/or his designee will review all domestic violence reports and record them in a secure database. The supervisor and/or his designee will conduct ODARA reviews on all incidents involving male vs. female domestic violence. The supervisor will also be responsible for assigning follow-up to team members and for coordinating department domestic violence training. The supervisor will be resonsible for preparing an annual report outlining the number of domestic violence cases, the number of domestic follow-ups and ODARA evaluations.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.3.1 MANDATORY ARRESTS

Domestic Crimes Police officers who respond to an incident of domestic violence and have probable cause to believe any of the following crimes have occurred, shall arrest and take into custody the alleged assailant or potential assailant of:

(a) an assault that occurred between family or household members as defined in Oregon Revised Statutes 107.705

(b) a menacing where one such person has placed the other in fear of imminent serious physical injury as described in ORS 163.190

(c) a harrassment where one such person has subjected the other to offensive physical contact considered to be harassment as described in ORS 166.065

In responding to domestic violence incidents, officers are not required to arrest both parties (ORS 133.055). Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail.

Police officers shall make reasonable efforts to identify who is the assailant or potential assailant in any incident. In identifying the assailant or potential assailant, an officer shall consider:

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(a) The comparative extent of the injuries inflicted or the seriousness of the threats creating a fear of imminent injury

(b) Who the primary aggressor is

(c) If reasonably ascertainable, the history of domestic violence between the parties

(d) Whether any alleged crime was committed in self-defense

(e) The potential for future assaults

Restraining Orders Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a restraining order has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order (ORS 133.310)

320.3.2 RELEASE

Once a suspect has been arrested under the provisions of Oregon Revised Statutes 133.055 the suspect shall be taken to jail. Officers have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

320.3.3 PRIVATE PERSON'S ARREST

A private person cannot make an arrest of a person for violating the terms of restraining or protective orders: Pursuant to Oregon Revised Statutes 133.225, a private person may arrest another person for any other crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime.

320.3.4 STAND-BY ASSISTANCE

As a condition of a restraining order to prevent abuse, the party being restrained may be required to move from the petitioner's residence, if in the sole name of the petitioner or if it is jointly owned or rented by the petitioner and the restrained party, or if the parties are married to each other. A party may also be restrained from going within a set distance of that residence, unless accompanied by a peace officer.

(a) A peace officer who accompanies a party removing essential personal effects pursuant to a restraining order shall remain for up to 20 minutes and may temporarily interrupt the removal of property at any time. Restrained parties wishing to remove essential items from a residence only have the right to be accompanied by a peace officer one time.

(b) When tenancy issues arise, a peace officer's duty to arrest remains unaffected.

320.3.5 ADDITIONAL CONSIDERATIONS

When responding to a domestic violence complaint involving an employee from another law enforcement agency, all responding officers, investigators and supervisors shall, as closely as possible, follow the same procedures established herein. The responding supervisor shall notify the Chief of Police, or designee, of the accused officer's jurisdiction verbally as soon as possible

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and in writing within 24 hours. In the event the reported incident involves a Sheriff, Chief of Police, Commissioner, or other law enforcement department head, the supervisor shall immediately notify the individual in government who has direct oversight of the individual.

320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigation Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

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1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

320.4.3 PROOF OF SERVICE NOT VERIFIED

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

(a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect.

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Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody.

(b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.

(c) Obtain the suspect's address.

(d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made. If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement.

(e) The officer serving the order on the suspect must obtain a Proof of Service form from the Sheriff's Office, complete, sign and submit it to the issuing court.

320.4.4 WHEN ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the officer can not verify the validity of the order the following action shall be taken:

(a) Write a report and provide the report number to the victim.

(b) Provide the victim with contact information for the investigating officer.

(c) Inform the victim of the right to make a private person's arrest for an appropriate criminal offense other than for violating the restraining order.

In domestic violence cases where the suspect has left the scene an investigation should be conducted to determine if a crime has been committed. A written report should be completed and the victim informed of the case number and the follow-up criminal procedure.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.

(b) Provide the victim with the department’s domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

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(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer who has probable cause to believe there are circumstances for a mandatory arrest or that a victim is in immediate danger of abuse may apply for an emergency protective order with the consent or permission of the victim (ORS 133.035).

320.5.1 RECORDING INJURIES AND STATEMENTS

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired. When permitted by law, officers may make a video recording of the injuries and victim statements.

Victims whose injuries are not visible at the time of the incident should be advised to contact the officer investigating the matter if the injuries become visible at a later time. If that officer is not available then the on-duty Watch Commander or shift supervisor shall assign another officer or investigator to photograph and document the injuries. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

320.5.2 AUDIO RECORDING STATEMENTS

When and where possible the officer should utilize an audio recording device to capture the statement of the victim, suspect and witnesses at the time of the investigation. Due to the nature of this type of incident, involved parties will later change their statements or attempt to mitigate the severity of the assault or threat to protect family members. This type of evidence provides a better understanding of the emotions and frame of mind of involved parties at the time of the investigation.

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.6.1 WRITTEN NOTICE TO VICTIMS

Officers must provide each person who has been a victim of domestic violence with a copy of the department Domestic Violence Information Card containing information relating to shelters or other services available in the community and notice of the legal rights and remedies available to victims (Oregon Revised Statutes 133.055).

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Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.8.1 RETURN OF FIREARMS

Weapons taken into custody for safekeeping under §320.8 will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Property personnel shall be required to ensure the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon(s) shall be eligible for release to the lawful owner or other authorized individual

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unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon(s).

320.8.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS
An officer who obtains an emergency protective order for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).

The officer who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

320.10 REPORTS AND NOTIFICATIONS
Officers should document in their report that they provided each domestic violence victim with a copy of the department's domestic violence victim information handout (ORS 133.055).

Reporting officers should also provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

320.10.1 EMERGENCY PROTECTIVE ORDERS
The Records Supervisor shall ensure that a system is in place that provides officers at the scene of an alleged violation of an emergency protective order of the terms and existence of the protective order (ORS 133.035).

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Apprehension & Arrest

321.1 PURPOSE AND SCOPE

Apprehension and arrest of those who violate the law is one of the primary functions of law enforcement. The manner in which department members carry out their responsibilities in this area is extremely important. Officer performance affects the safety of citizens and their property. It also affects the safety of other officers. Finally, it affects the reputation and civil liability of the department and its members. This procedure provides guidelines on how to handle arrests, searches, booking, release agreements and citations.

321.2 POLICY

The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of those who violate the law. Once a crime has been committed, it is the duty of the department to initiate the criminal justice process by identifying and arresting the perpetrator, to obtain necessary evidence, and to cooperate in the prosecution of the case. As the certainty of swift and sure punishment serves as an effective deterrent to crime, the department must diligently strive to solve crime and to bring perpetrators to justice. Officers are expected to take appropriate action within the procedures of the department in response to violation of the law and ordinances when violations come to their attention.

321.3 DEFINITIONS

Probable Cause: Means that there is a substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it (ORS 131.005 SUB.11).

Arrest: Means to place a person under actual or constructive restraint or to take a person into custody for the purpose of charging that person with an offense. A stop as authorized by ORS 131.605 to 131.625 is not an arrest. (ORS 131.005 SUB. 11).

321.4 RESPECT FOR CONSTITUTIONAL RIGHTS

It is the fundamental duty of every department member to observe, respect, and protect the constitutional rights of every person with whom we come into contact. No person shall be subjected to any stop, detention, or search by department members when such a stop, detention or search is based solely on the race, color, religion, ethnic or national origin, sex, sexual orientation, age disability, medical condition, or inclusion in any other group or classification recognized by law. An officer who acts lawfully and within the scope of authority does not deprive persons of their civil liberties. Officers may, within their scope of authority, make reasonable inquiries, conduct investigations, and arrest on probable cause.

321.5 DISCRETION AND ALTERNATIVES TO ARREST

Police discretion exists whenever the limits of authority leave an officer free to make choices among possible courses of action or inaction. It is not physically possible to enforce all the laws

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all the time, nor is it possible to expect all police officers to react exactly the same under similar circumstances. This department recognizes that rarely do officers become involved in situations that can be handled with precise standards and procedures. Discretion shall be used without regard for the offender's attitude towards the police unless such conduct constitutes a separate offense.

Because of discretion, procedural alternatives exist. Any alternative chosen must be positive and in the best interest of the law, the public, and the persons involved. Alternatives to physical arrest include citation, application for complaint, warning, or diversion and referral. Alternatives to lodging a person in the jail include Security Release and Recognizance agreement when allowable by law.

Alternatives to physical arrest **shall** be considered after it has been determined that the offender is of no danger to himself or another person, is not likely to continue the offense, and will be available if needed in the future.

321.5.1 DISCRETION CONCERNING ISSUANCE OF MISDEMEANOR CITATIONS

ORS 133.045 allows the use of a criminal citation for all violations, most misdemeanors and some felony charges, which may be deemed a misdemeanor after sentence is imposed. A criminal citation is authorized if the officer determines:

(a) The arrest is made without an arrest warrant (unless the warrant specifically authorized a criminal citation) and is not an arrest under the Family Abuse Prevention Act.

(b) The crime is a misdemeanor or non violent felony (e.g. crime against property)

(c) The suspect does not appear to pose an immediate threat to the victim, community or self

(d) The suspect does not appear to pose a risk of fleeing the area.

(e) The suspect has been positively identified with in reasonable certainty.

321.5.2 RESTRICTIONS ON DISCRETION

(a) Warrants of arrest, bench warrants, a warrant of arrest after indictment, and a governor's warrant of arrest and extradition, violation of restraining orders and domestic assault do not allow for discretion.

(b) A police officer shall not use a criminal citation for valid arrest warrants except where specifically authorized by the issuing authority, or during domestic disturbance incidents meeting requirements of ORS 133.055.

(c) Members are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

(d) Even though an officer reasonably believed probable cause to arrest existed at the time of the arrest, when an officer determines that the probably cause under which the person was arrested does not in fact or no longer exists, the officer shall immediately release the arrested person.

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321.6 CRITERIA FOR ARRESTS

Officers are empowered with a great deal of discretion in dealing with matters of booking and incarceration of offenders. However, certain criteria should be adhered to in determining the disposition of enforcement action.

321.6.1 FELONY OFFENDERS

Persons arrested for felony crimes will be handled using the following criteria:

(a) A person arrested for Murder and all Measure 11 crimes must be taken into physical custody. Only a judge may set conditions for release.

(b) In all class A and B felonies (except those listed above), and escape or bail jumping in any degree, release shall be made only upon receipt of 10 percent of the security amount plus the execution of the Security Release Agreement. If unable to meet these criteria or the factual circumstance dictates otherwise, the suspect will be transported to the appropriate jail.

(c) In cases where a physical arrest is made, a supervisor will be advised of the circumstances regarding the arrest prior to transport.

(d) All class C felonies may be handled by incarceration, release upon execution of a recognizance agreement or issuance of a criminal citation (with the exception of those involving domestic violence). A person who is transported to the temporary hold, and who fails to meet the criteria for a recognizance agreement must post security as described above, or be transported to the appropriate jail.

321.6.2 MISDEMEANOR OFFENDERS

Persons accused of misdemeanor offenses may be issued a criminal citation, released on a recognizance agreement or depending on the severity of the offense and with due consideration for any hazard they may pose taken into custody and lodged in the county jail.

(a) In cases where a physical arrest is made, a supervisor will be advised of the circumstances regarding the arrest prior to transport.

(b) In all cases where an arrest has been made or a citation to appear has been issued, the officer will obtain a case number and complete a custody report.

321.6.3 JUVENILE OFFENDERS

Refer to Policy 324 Temporary Custody of Juveniles.

Response to crimes involving juveniles will not differ from that for adult crimes. Officers may use any reasonable means to protect themselves when a juvenile is a threat to personal or public safety.

(a) Juvenile offenders will only be lodged at the direction of the Juvenile Department. When a juvenile is lodged at the direction of the Juvenile Department, a copy of the incident and custody reports will be submitted within 24 hours of the physical arrest. Officers will make reasonable attempts to notify the parents (or guardian) any time a juvenile is taken into

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physical custody. The date, time, and person(s) notified will be documented in the space provided on the custody report. If the Juvenile Department chooses not to lodge the juvenile, officers will document the name of the releasing agent in the body of their report and any conditions of the release.

(b) Officers may utilize Tigard Peer court to handle those juvenile incidents that meet the program criteria. Refer to Policy 801 - Youth Courts.

321.7 AUTHORITY TO ARREST

ORS 133.235 empowers all Oregon peace officers to make arrests for offenses, pursuant to ORS 133.310, anywhere within the boundaries of the State of Oregon. Department policy recognizes this authority, and recommends discretion on the part of each officer.

- On-Duty Arrests On duty arrests may be made outside the boundaries of the city in cases of hot and /or fresh pursuit, or while following up on crimes committed within the State of Oregon or while assisting another agency.
- Off-Duty Arrests Officers observing criminal activity while off duty are not expected to make arrests or take action if such action would place them in danger of being harmed. It is recommended that the officer be the best witness possible as circumstance allows. If an officer feels there is a need to take action, the officer should affect an arrest only when an imminent risk to life exists, and a reasonable opportunity does not exist to contact the police agency with the primary jurisdiction. In such situations the involved officer shall clearly identify him or herself as a police officer.

321.8 TREATMENT OF INDIVIDUALS UNDER ARREST

In making arrests, officers must treat individuals with respect. Officers will not physically mistreat or verbally harass any individual. If a person is sick or injured then the following will apply:

- Prior to arrest an injured person, officers will consult with a supervisor.
- Arrested persons complaining of minor injury or illness will be transported to Meridian Park or Tuality Hospital after consulting with a supervisor.
- Medical bills for injuries incurred as a result of law enforcement activity may be paid out of the State of Oregon's Law Enforcement Liability Accident (LEMLA).
- An officer will accompany any arrested person who is transported in an ambulance.
- An officer will remain with an injured person, in custody, at a hospital, clinic, or doctor's office until relieved.
- The jail commander or designee will be informed of medical treatment provided to any prisoner prior to booking.
- Medical bills incurred after arrest on charges under the Tigard Municipal Code may be at City expense.

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- Persons exhibiting or perceived to have a disability, may require special handling or accommodation in security, transport, processing and detention. However, **these special conditions will be secondary to the safety of the officer, the public and the prisoner.** Officers will use discretion and common sense in determining the appropriate handling or accommodation. Such prisoners may be afforded the protections of the American's with Disabilities Act (ADA).

321.9 ADVISING SUSPECTS OF THEIR RIGHTS

Officers are responsible for advising suspects of their constitutional rights in the proper manner. Officers must observe legal requirements and departmental procedures at all stages of an investigation and arrest. A suspect shall be advised of rights prior to custodial interrogation or the taking of any statements likely to be incriminating, oral or written, after custody or arrest. The officer shall document all admonishments of rights prior to the taking of the statements. If statements are being recorded, suspect should be advised of rights on tape before questioning begins.

321.9.1 ACCESS TO COUNSEL

Persons arrested shall be granted access to counsel, if requested, prior to any further custodial interrogation, in accordance with the Police Department advice of rights statement. Access may be by telephone or in person, depending on the existing conditions.

321.9.2 VOLUNTEERED AND SPONTANEOUS STATEMENTS

These are not barred and no warning need be given preceding them. However, questioning initiated by the police officer thereafter in clarification or amplification of the volunteered or spontaneous statement, should be preceded by a Miranda warning.

321.9.3 DOCUMENTATION OF RIGHTS

The fact that a prisoner who gives a statement was so advised or admonished should be included at the beginning of any written statement or included in the police report if the statement is obtained orally.

(a) Advice of Constitutional Rights shall be read directly from the department authorized Miranda rights card.

(b) The officer shall document who gave the rights advisement to the suspect, the date and time of the advisement.

(c) If an officer utilizes the Tigard Police Constitutional Rights form, then the suspect will voluntarily sign indicating they understand their rights and have no questions about their rights. If they refuse to sign, the officer will write "Refused" in the suspect's signature place. This form will be kept with the officer's report.

(d) It may be necessary for the officer to testify in court as to the precise language used to warn the suspect of their rights and the precise language by which the suspect waived these rights.

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Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Tigard Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Tigard Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

    1. Another officer or a supervisor should witness the search.

    2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Tigard Police Department (42 USC § 5633).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This includes a juvenile taken into protective custody when conditions or surroundings reasonably appear to jeopardize the juvenile's welfare or when it reasonably appears that the child has run away from home (ORS 419B.150). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

324.2 POLICY

The Tigard Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Tigard Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Tigard Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Tigard Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

(a) Access to toilets and washing facilities

(b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer or as directed by a supervisor

(c) Access to drinking water

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(d) Privacy during visits with family, guardian, or lawyer

(e) Provide the juvenile an opportunity to make at least two telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney

324.3.2 NON-CONTACT REQUIREMENTS
There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Tigard Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Tigard Police Department without authorization of the arresting officer's supervisor or the Watch Commander.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond five hours from the time of his/her entry into the Tigard Police Department (ORS 419B.160; ORS 419C.130).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Tigard Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

324.4.3 CUSTODY OF JUVENILE OFFENDERS
Generally, a juvenile offender may be taken into custody:

(a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).

(b) When there is a court order endorsed as provided in ORS 419C.306 and directing that a juvenile be taken into custody (ORS 419C.080).

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(c) When, if the juvenile were an adult, he/she could be arrested without a warrant (ORS 419C.080).

(d) An officer shall take a juvenile into custody when the officer has probable cause to believe the Juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

In most cases, juveniles are simply referred to the Washington County Juvenile Department for prosecution. The *Tigard Police Custody Report* (with all charges listed) serves as the referral document. Upon arresting a juvenile, Officers will contact the Washington County Juvenile Department; they will be provided with direction as to if the youth will be lodged; released to a responsible adult; or released upon their own recognizance. Officers should document who they spoke with at the juvenile department and write the custody decision in the body of the custody report. Court appearance dates will be determined at a later time and the custody report should reflect a date to be determined (TBD). When a juvenile is lodged (by direction of the Washington County Juvenile Department) the completed custody report must be provided within 24 hours of the arrest.

Juvenile offenders should be held in non-secure custody while at the Tigard Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

See Tigard Police Policy 420.5 (Juvenile Citations) for those exceptions when a uniform complaint/citation shall be issued to a juvenile offender.

324.4.4 COURT NOTIFICATIONS OF JUVENILE OFFENDERS

Whenever a juvenile offender is taken into custody, the officer shall promptly notify the juvenile court or counselor that the juvenile was taken into custody (ORS 419C.091). The officer shall also prepare a written report be routed to the juvenile court and the District Attorney that includes, at a minimum (ORS 419C.106):

(a) The juvenile's name, age and address.

(b) The name and address of the person having legal or physical custody of the juvenile.

(c) Reasons for, and circumstances under which, the juvenile was taken into custody and, if known, the name and contact information of any victim.

(d) Efforts taken to notify and release the juvenile to his/her parent, guardian or other person having legal responsibility.

(e) The date, time, location and to whom the juvenile was released.

(f) If the juvenile was not released, the reasons why.

(g) If the juvenile is not released or taken to court, the shelter or place of detention of the juvenile and why the type of placement was chosen.

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324.4.5 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

(a) The court has issued a warrant of arrest for the juvenile.

(b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

(c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the officer shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

324.4.6 REPORT REQUIRED WHEN A JUVENILE IS TAKEN INTO CUSTODY

Whenever a juvenile is taken into custody, the officer will prepare a written custody report including, at minimum, the following information:

(a) The juvenile's name, age and address.

(b) The name and address of the person having legal or physical custody of the juvenile.

(c) Reasons for, and circumstances under which, the juvenile was taken into custody.

(d) Efforts taken to notify and release the juvenile to his/her parent, guardian or other person having legal responsibility.

(e) The date, time, location and to whom the juvenile was released.

(f) If the juvenile was not released, the reasons why.

(g) If the youth was not released, the shelter or place of detention of the youth.

(h) The office shall route a copy of the report to the Youth Program Manager, Juvenile Court and the District Attorney.

324.5 NOTIFICATION TO PARENT OR GUARDIAN

As soon as practicable after a juvenile is taken into custody, the officer taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

(a) Reason the juvenile was taken into custody

(b) Location where the juvenile is being temporarily detained

(c) Intended disposition

(d) Time and place of any hearing

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324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Tigard Police Department.

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.6.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Patrol Lieutenant shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

(a) The Juvenile Court

(b) The parent, guardian, or person standing in loco parentis, of the juvenile

(c) Patrol Lieutenant

(d) Patrol Captain

(e) Assistant Chief of Police

(f) Chief of Police

(g) Detective Supervisor

(h) Public Information Officer

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324.6.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him or herself, or any unusual behavior which may indicate the juvenile may harm him or herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Patrol Lieutenant if he/she believes the juvenile may be a suicide risk. The Patrol Lieutenant will then arrange to contact a mental health team for evaluation, or to contact the Juvenile Department and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

324.6.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. Restraints shall only be used under the following circumstances:

(a) When the juvenile displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.

(b) When the juvenile is a serious and immediate danger to himself/herself or others.

(c) When the juvenile otherwise falls under the provisions of Oregon Revised Statutes 426.228.

Restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Lieutenant.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

As long as the subject is restrained, direct visual observation shall be constantly maintained to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Patrol Lieutenant shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

324.6.4 DEATH OF A JUVENILE WHILE DETAINED

In the event of a juvenile's death while being detained at this department, the District Attorney's Office, the Washington County Major Crimes Team and the Medical Examiner will conduct

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the investigation of the circumstances surrounding the death. The Support Services Division Commander or his/her designee will conduct an administrative review of the incident.

A medical and operational review shall be conducted in any case in which a juvenile dies while detained at the Tigard Police Department. The review team shall include the following:

(a) Chief of Police or his or her designee.

(b) The health administrator.

(c) The responsible physician and other health care and supervision staff who are relevant to the incident.

324.6.5 CURFEW VIOLATIONS

Officers may take a juvenile into custody for curfew violations pursuant to Oregon Revised Statutes 419C.680.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Tigard Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Tigard Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Tigard Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Tigard Police Department more than five hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

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(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Tigard Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Tigard Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Tigard Police Department.

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324.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.

(b) Juveniles shall have constant auditory access to department members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by staff member, no less than every 15 minutes, shall occur.

    1. All checks shall be logged.
    2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
    3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Tigard Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Criminal Investigation Unit supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

Other juveniles taken into custody may only be fingerprinted or photographed (ORS 419A.250(1)):

(a) Pursuant to a search warrant.

(b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.

(c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.

(d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

324.15 RECORDS

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in Records Maintenance and Release Policy.

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Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Tigard Police Department members as required by law.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

326.2 POLICY

The Tigard Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

326.3 MANDATORY NOTIFICATION

Members of the Tigard Police Department shall notify the Department of Human Services (DHS) when there is reasonable cause to believe that an elderly adult (age 65 years or older), dependent adult or resident of a long-term care facility with whom the member comes in contact has suffered abuse, or when a person with whom the member comes in contact has abused an elderly adult, dependent adult or resident of a long-term care facility (ORS 124.060; ORS 430.743; ORS 441.640).

For purposes of notification, abuse includes physical injury, neglect, abandonment, verbal abuse, financial exploitation, sexual abuse, sexual offenses, involuntary seclusion and wrongful use of physical or chemical restraints as provided in ORS 124.050, ORS 430.735 and ORS 441.630.

Dependent adult means a person 18 years or older with (ORS 430.735):

(a) A developmental disability who is currently receiving services from a community program or facility or was previously determined eligible to receive such services as an adult.

(b) A mental illness who is receiving services from a community program or facility.

326.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORS 124.065; ORS 430.743; ORS 441.645):

(a) All notifications to DHS shall be made as soon as practicable by telephone.

(b) Information provided to DHS shall include, if known:

1. Name, age and address of the person abused
2. Present location of the adult
3. Name and address of the person responsible for the adult

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4. Identity of the perpetrator
5. Nature and extent of the abuse and any evidence of previous abuse
6. Any explanation given for the abuse
7. Date of the incident
8. Any other information that may be helpful in establishing the cause of the abuse

(c) In cases where DHS has notified the Department of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.

(d) DHS shall also be notified whether (ORS 124.070(3); ORS 430.745(7)):

1. There will be no criminal investigation and the explanation of why there will be no such investigation.
2. The investigative findings have been forwarded to the District Attorney for review.
3. A criminal investigation will take place.

(e) In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).

(f) Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

326.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 430.739).

326.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The Department must begin investigations of abuse in a long-term care facility (ORS 441.650):

- Within two hours where a resident’s health or safety is in imminent danger or the resident recently died, was hospitalized or was treated in an emergency room.

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- Prior to the end of the next working day if circumstances exist that could result in abuse and place the resident's health or safety in imminent danger.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All investigations into suspected cases of adult abuse shall include a personal visit to the elderly person suspected of being abused (ORS 124.070).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

326.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DHS.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

326.6.1 DHS ASSISTANCE

An officer shall cooperate with DHS when assistance is requested by written notice to gain access to an abused person and the officer believes that there is reasonable cause that a crime has been committed and an emergency exists which requires access to the person to ensure his/her safety (ORS 124.065; ORS 430.743; OAR 411-020-0085).

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

326.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

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In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

326.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

326.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigation Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Criminal Investigation Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

326.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigation Unit supervisor so an interagency response can begin.

326.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

326.10.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

(a) Providing a copy of the adult abuse report to DHS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

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326.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 124.090; ORS 430.763; ORS 441.671).

326.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY

The Tigard 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 Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive, corrective and disciplinary action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department 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.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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, 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 department policy and to the department commitment to a discrimination free work environment.

328.3.2 SEXUAL HARASSMENT

The Department 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.

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328.3.3 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 a member improve his/her 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 the member.

328.3.4 REASONABLE ACCOMMODATIONS

If any employee is in need of reasonable accommodations they should contact the Human Resources Division.

328.3.5 RETALIATION

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

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department 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 his/her 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 Chief of Police, Human Resources Director or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, 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 resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

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(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure their subordinates understand their responsibilities under this policy.

(d) Ensure 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) Notify the Chief of Police or Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

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.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty

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expressing his/her concern, or if this does not solve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 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 any investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be 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 Chief of Police, Human Resources Director or the City Manager.

328.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed or discriminated 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.

328.6 NOTIFICATION OF DISPOSITION

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

328.7 DOCUMENTATION OF COMPLAINTS

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

- Approved by the Chief of Police or the City Manager or the Human Resources Director if more appropriate.
- Maintained for the period established in the department’s records retention schedule.

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328.8 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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

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.

328.8.1 QUESTIONS OR CLARIFICATION

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

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Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Tigard Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORS 419B.010).

330.2 POLICY

The Tigard Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Tigard Police Department shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse (ORS 419B.010).

For purposes of notification, a child is an unmarried person under 18 years of age (ORS 419B.005(2)).

For purposes of notification, abuse of a child includes, but is not limited to, assault or physical injury of a non-accidental nature, rape, sexual abuse or sexual exploitation including contributing to the sexual delinquency of a minor, threatened harm, negligent treatment or maltreatment, buying or selling a child, unlawful exposure to a controlled substance, permitting a child to enter or remain in or upon premises where methamphetamines are manufactured, or any other act described in ORS 419B.005(1)(a).

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (OAR 413-015-0305):

(a) Verbal notification to DHS shall be made immediately when the officer determines that the report of alleged abuse or neglect requires an immediate joint response.

(b) Verbal, electronic transmission or hand-delivered notification to DHS of all other reports of child abuse or neglect shall be made by the end of the next business day.

(c) Notification, when possible, should include:

1. The name and contact information of the confidential reporter.

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2. The name, address and age of the child.
3. The name and address of the child's parents or other person who is responsible for care of the child.
4. The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
5. The explanation given for the abuse or neglect.
6. Where the abuse or neglect occurred.
7. Identity and whereabouts of the alleged perpetrator.
8. Any other information that the person making the report believes might be helpful in establishing the cause of the abuse or neglect and the identity and whereabouts of the perpetrator.
9. The name and contact information for the assigned DHS worker and officer.

When the abuse occurs at a facility or by a person from a facility that requires a state license from the Oregon Employment Department, Child Care Division (e.g., child care facility), notification shall also be made to that agency (ORS 419B.020).

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 418.747).

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.5.1 KARLY'S LAW

In all cases of suspicious physical injury to a child, the investigating officer shall, in accordance with any relevant county multidisciplinary team protocols, (ORS 419B.023):

(a) Immediately photograph or caused to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in ORS 419B.028.

(b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).

(c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician.

330.5.2 INVESTIGATIONS ON PUBLIC SCHOOL PREMISES

When an investigation of child abuse is conducted on public school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator

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is a subject of the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the affected child, the investigating officer shall be advised of the child's disabling conditions, if any (ORS 419B.045).

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ORS 419B.150):

(a) When the child's condition or surroundings reasonably appear to jeopardize the child's welfare.

(b) When the juvenile court has issued a valid order that the child is to be taken into protective custody.

(c) When it reasonably appears that the child has run away from home.

330.6.1 NOTICE TO PARENTS

When an officer takes a child into protective custody, if possible, the officer shall:

(a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day.

(b) Advise the reason the child has been taken into custody.

(c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

330.6.2 SAFE HAVEN PROVISION

A parent may leave an infant who is not more than 30 days old at an authorized facility, including this department, as long as the child has no evidence of abuse (ORS 418.017).

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When an infant is surrendered to this department, members of Tigard Police Department shall follow the provisions set forth in ORS 418.017.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.8.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE

When an officer is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse

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exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child (ORS 419B.020).

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigation Unit Supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Criminal Investigation Unit Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Criminal Investigation Unit Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 419B.035).

330.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The Criminal Investigation Unit Supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members (ORS 418.747).

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330.10.3 CHILD FATALITY REVIEW TEAMS

This department should cooperate with any child fatality review team and investigation (ORS 418.785).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing and Vulnerable Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
9. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320).
10. A victim of first- or second-degree custodial interference or kidnapping (ORS 181A.310).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Oregon Law Enforcement Data System (LEDS) and the Oregon State Police Missing Children Clearinghouse.

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332.2 POLICY

The Tigard Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Tigard Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

332.2.1 INITIAL INVESTIGATION

The employee accepting the missing person report should request from the reporting party information or material likely to be useful in identifying the missing person including, but not limited to:

(a) The relationship to the reporting party and why the reporting party believes the person is missing.

(b) Information on the missing person including alternate names the person uses, the person's date of birth, physical appearance, clothing, identifying marks, physical anomalies, surgical implants and any prosthesis used by the missing person.

(c) The blood type of the missing person.

(d) The driver license number and Social Security number of the missing person.

(e) A description of items believed to be in the possession of the missing person and the description of any vehicle the missing person may have been driving or riding in at the time of disappearance.

(f) Time and place of last known location and the identity of anyone believed to be in the company of the missing person.

(g) History of prior missing incidents and the extent to which this incident is a departure from established behavior patterns, habits, or plans.

(h) The physical and mental condition of the missing person and whether they are taking, and currently have with them, any medications.

(i) The name and address of the missing person's doctor and dentist.

(j) Any personal, family history or relationship issues that may be a factor in the person's absence, including the names and addresses of any people the missing person might visit.

(k) Any circumstances that indicate that the missing person may be at risk of injury or death.

(l) Any circumstances that may indicate that the disappearance is not voluntary.

(m) Recent photographs, fingerprints and/or DNA samples (such as hair) that might be available.

(n) The types and account numbers of any credit cards the missing person might have access to, and the location of any bank accounts or other financial resources.

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(o) The name and addresses of the place of employment, schools and other places frequented by the missing person.

(p) Whether information regarding the missing person has been entered into the Law Enforcement Data System (LEDS) Medical Database (ORS 181.735).

Officers will utilize and fill out the Tigard Police Department Missing Person Checklist and turn it in with their report for investigative purposes.

Cases involving runaway juveniles will be assigned by the supervisor to the School Resource Officers (SRO) within seventy-two hours (72) of the initial report. The SRO assigned shall upon receipt of the case contact the complainant and determine if there has been any change in the status of the case, or if there is now additional information regarding the location of the runaway. A special report will be completed by the SRO. If there is no additional information or leads, the case may be suspended at that time.

After thirty (30) days from the date of contact with the runaway, the investigation will be re-opened and assigned to a detective. The detective will take the same steps as mentioned above, but will also attempt to have the complainant authorize the release of dental / medical records for entries into LEDS / NCIC. Additionally, a bulletin shall be created based on the information available, and entries made into OSIN / RISS for nationwide distribution if applicable. If no leads are known, the case may be suspended at that time until ninety (90) days when the investigation will be re-opened and all leads reviewed. Every six (6) months this same process will take place until the runaway is located or reaches the age of maturation when entries will be adjusted to reflect the status of missing person.

332.2.2 CHILD UNDER TWELVE OR "AT RISK"

In cases where this agency has jurisdiction for the missing person investigation and the missing person is a person at risk, or a child less than twelve years of age, the following steps will be taken:

(a) A supervisor will be notified.

(b) Detectives will be notified immediately, including after hours, and will begin an investigation after an initial search by patrol personnel.

(c) The name, physical description, clothing and any suspected vehicle that may be involved shall be broadcast to other officers on duty. The locate information may also be disseminated to other agencies as appropriate.

(d) A preliminary search for the missing person should be initiated based on the circumstances present. If the missing person is a child, obtain consent and conduct a complete search of the residence, curtilage, outbuildings, vehicles and other likely places of concealment.

If such a case is within the investigative responsibility of another jurisdiction and is reported to this agency, the employee receiving the report shall ensure that the appropriate law enforcement agency is immediately notified and shall coordinate with that agency as is reasonably necessary to promptly transfer the case.

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332.2.3 CONTINUING INVESTIGATION

If the Tigard Police Department has jurisdiction for the missing person investigation, it will be assigned for follow up. On-going investigations of missing persons should include, but not be limited to, the following actions:

(a) Obtain releases for dental and medical records, and subpoenas for credit card transactions, bank records or other financial records as necessary. Copies of dental records and skeletal x-rays, if available, should be obtained and filed.

(b) Check hospitals and the State Medical Examiners Office for information on deceased persons matching the description of the missing person.

(c) Consider the need for more extensive area searches and obtain sufficient resources to assist in that effort.

(d) Conduct interviews with friends, relatives, co-workers and persons in the vicinity of the location where the missing person was last seen.

(e) If the missing person is a child, comply with the reporting guidelines for the National Center for Missing and Exploited Children.

(f) Maintain regular contact with the relatives of the missing person and/or reporting party. Request immediate notification if they should have any contact with the missing person.

(g) Consider the need for additional locate notices to be sent to other jurisdictions

(h) Consider using the local media to locate the missing person with approval of the Chief of Police or his designee, and consultation with the family.

(i) When a person reported missing to this department has not been located within 30 days after the missing person report is made, the assigned investigator shall attempt to obtain a DNA sample of the missing person or from family members of the missing person, and prepare any documentation necessary for use of the samples in conducting searches of DNA databases.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigation Unit Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

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332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Tigard Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

332.3.2 STATE AND FEDERAL NOTIFICATION

If a missing person is under the age of 21, Records Unit personnel shall enter the missing person into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) Missing Person Files within two hours after accepting the report (42 USC 5779(a) and 42 USC 5780(3)).

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person, a vulnerable adult, or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

    1. Immediately, when the missing person is at risk.

    2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

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(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.7 TRAINING

All personnel who have responsibility for initial or followup investigations of missing persons will receive training that includes interacting with individuals with intellectual or developmental disability, or an impaired mental condition such as dementia, Alzheimer's or brain injury.

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Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Tigard Police Department should notify their supervisor, Watch Commander or Criminal Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Cancelling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

334.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

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(a) There is confirmation that a child abduction has occurred.

(b) The child is under 18 years of age.

(c) The child may be in danger of serious bodily harm or death.

(d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.

(e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

334.4.2 PROCEDURE

The AMBER Alert Web Portal is used to post the appropriate alert information.

Prior to posting the AMBER Alert message, consideration should be given to ensuring adequate staffing for the tip line, 9-1-1 lines and any media line. AMBER Alerts generate significant public and media interest. It is likely that a high volume of calls from the public and media will be received. Reassigning personnel from other units or requesting mutual aid from other agencies should be considered.

(a) The Public Information Officer, Watch Commander or Services Supervisor should consider whether to prepare a press release that includes all available information that might aid in locating the child, such as:

    1. The child's identity, age, physical and clothing description, including any distinguishing characteristics.

    2. Photograph, if available.

    3. The location where the abduction occurred or where the child was last seen.

    4. The suspect's identity, age, physical and clothing description, if known.

    5. Pertinent vehicle license number and description, if known.

    6. Detail regarding direction of travel and potential destinations, if known.

    7. Contact information for the Public Information Officer or other authorized individual to handle media liaison.

    8. A telephone number for the public to call with leads or information.

(b) Information on the abducted child, suspect vehicle and suspect should be entered into the Law Enforcement Data System (LEDS) and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, must be

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entered into the NCIC system in order to trigger the resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.

(c) The Records Unit will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert."

(d) The information in the press release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.

(e) Consideration should be given to whether to utilize the following resources:

1. Federal Bureau of Investigation (FBI Local Office)
2. National Center for Missing and Exploited Children 800-843-5678

The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the Oregon State Police Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.

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Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Tigard Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Tigard Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Tigard Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Sexual assault investigations (2016 Oregon Laws, c.89, § 4):

1. Receiving and responding to all inquiries concerning sexual assault kits.
2. Providing any information the victim requests concerning sexual assault kits in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry unless doing so would interfere with the investigation. This information includes the location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases and the estimated destruction date for the kit.
3. Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.
4. Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim's behalf.
5. Upon request of the victim, an untested nonanonymous kit may be reclassified as an anonymous kit or an untested anonymous kit be reclassified as a nonanonymous kit.
    (a) Notifying the OSP if a sexual assault kit is reclassified.

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

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Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number and any applicable case or incident number.

(k) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.

(l) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims' Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking (ORS 192.826).

(m) Oregon Crime Victim Bill of Rights (ORS 147.417).

(n) Information for victims of sexual assault that includes, but is not limited to (2016 Oregon Laws, c.89, § 4).

1. Contact information for the crime victim liaison for victims of sexual assault.
2. Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.

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336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Hate Crimes - consist of any act of intimidation, harassment, physical force or threat of physical force directed against any person, group, family, community organization or property motivated in whole or in part by hostility toward real or perceived race, ethnic background, national origin, religious belief, gender, age, disability, sexual orientation or political affiliation with the intent of causing fear, injury, intimidation or to deter the free exercise and enjoyment of any right secured by the Constitution or the law.

338.3 CRIMINAL STATUTES

(a) Harassment (ORS 166.065)

(b) Intimidation in the Second Degree (ORS 166.155)

(c) Intimidation in the First Degree (ORS 166.165)

(d) Menacing (ORS 163.190)

(e) Any degree of Assault (ORS 163.160 to ORS 163.185)

(f) Recklessly Endangering (ORS 163.195)

(g) Hazing (ORS 163.197)

(h) Unlawful use of a stun gun, tear gas or mace (ORS 163.212 and ORS 163.213)

(i) Kidnapping (ORS 163.215 to ORS 163.235)

(j) Coercion (ORS 163.275)

(k) Any sex offense (ORS 163.355 to ORS 163.427)

(l) Stalking (ORS 163.732)

(m) Any degree of Robbery (ORS 164.395 to ORS 164.415)

Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances (18 USC § 245).

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338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks

(b) Providing victim assistance and follow-up as outlined below, including community follow-up

338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime

(e) Depending on the situation, the assigned officer(s) supervisor may request additional assistance from detectives or other resources to further the investigation

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift

(g) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further

338.5.1 CRIMINAL INVESTIGATION SECTION RESPONSIBILITY

If a case is assigned to the Criminal Investigation Section, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney and other law enforcement agencies, as appropriate

(b) Maintain contact with the victim(s) and other involved individuals as needed

(c) The Crime Analyst will maintain statistical data on suspected hate crimes and tracking as indicated and provide the data as needed to Department personnel.

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338.6 TRAINING

All members of this department will receive periodic Department of Public Safety Standards and Training approved training on hate crime recognition and investigation.

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Standards of Conduct

340.1 PURPOSE AND SCOPE

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

340.1.1 LAWS, RULES AND ORDERS: OBEDIENCE TO ORDERS AND CONDUCT TOWARD SUPERVISORS

Members are required to conform to, and abide by, the rules and regulations of the Tigard Police Department, ordinances of the City and County, Federal laws and of the laws of all states. Members shall not commit any act, or fail to perform any act, that constitutes a violation of any rules, regulations, instruction, directives, or orders of the Department, whether stated in these directives or elsewhere.

Members shall acquire a thorough knowledge of State and Federal laws and City ordinances, as well as the elements that constitute criminal acts in violation of the various sections thereof, and will acquaint themselves with the fundamental rules of evidence.

The responsibility for having knowledge and comprehension of the Lexipol Manual of Policy and Procedure, all orders, bulletins, and regulations, pertinent reports and all memoranda issued by the Chief of Police or the member's Division manager, rests with the member. After an absence from duty, members shall, upon returning to duty, read all orders issued by the Chief of Police or there Division manager and all applicable bulletins, regulations or memoranda issued during their absence. Members having any question or uncertainty will immediately seek clarification via the chain of command.

Members shall promptly obey any lawful written or verbal order of a supervisor. This will include orders relayed from a supervisor by a member of the same or lesser rank.

Members, who are given an otherwise proper order that is in conflict with a previous order, rule, regulation or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances the responsibility for the conflict shall be upon the supervisor. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued. Members shall not obey any order that would require them to commit any illegal act. If in doubt as to the legality of an order members shall request the issuing supervisor to clarify the order or to confer with higher authority.

Members shall notify a supervisor when cited or arrested for a criminal offense, drug or alcohol-related charge, or if their driver's license is suspended.

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340.1.2 DUTY TO REPORT EXCESSIVE USE OF FORCE AND MISCONDUCT

Members who witness any excessive force by another officer are required to intervene by warning, and stopping, if necessary, any other member who uses excessive force in their presence. Any member witnessing any excessive use of force by another member shall report this in writing to their immediate supervisor before the end of their shift.

Any member who is aware of misconduct that may constitute an intentional violation of the policies in this manual that may be subject to discipline shall report such violations to their supervisor who may direct them to report their information in writing. Reports of a serious nature shall be forwarded through the chain of command to determine the necessity for an investigation. Failure to comply with this policy subjects the witness member to discipline or sanction that may be similar to that imposed on the offending member.

340.2 DISCIPLINE POLICY

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

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.2.1 DUE PROCESS

No disciplinary action shall be taken against an employee without just cause.

Prior to taking disciplinary action against an employee a supervisor shall:

(a) Notify the employee in writing of the charges and the proposed disciplinary action; and

(b) Provide the employee with an opportunity to respond to the charges at an informal hearing which may be recorded with the person or persons having authority to impose the proposed disciplinary action.

(c) It is the policy of the Department that all disciplinary matters will conform to the collective bargaining agreement between the City of Tigard and the Tigard Police Officer's Association, specified in Section 27 "Discipline and Discharge."

(d) The specific process for determining rule violations will generally follow the established procedures set out in the Police Department's Allegation/Complaint Investigation Packet.

340.2.2 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor, non-repetitive violations of rules resulting in documented counseling (non-disciplinary) for first time violators. The purpose of non-disciplinary counseling is to train, coach, and monitor the employee's conduct to gain their compliance with the rules. Repetitive similar violations, or more serious violations, would generally result in progressive and more serious forms of discipline being administered.

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The types of discipline that may be imposed include, but are not limited to, those mentioned in Section 27.1 of the current TPOA collective bargaining agreement or Section 16-18 of the City of Tigard personnel policies for non-represented employees.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense if the seriousness of the offense warrants it.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

(a) Leaving any job to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence on scheduled day(s) of work.

(c) Failure to report to work or to place of assignment at times specified and fully prepared to perform duties without reasonable excuse.

(d) Failure to notify the department within 24-hours of any change in residence address, home phone number, or marital status.

340.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

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

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency. "Official contact" means employees who

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have been contacted by a law enforcement agency and have been arrested or cited for any traffic or criminal violation of who may reasonably expect they are a subject in another law enforcement agency's investigation. This specifically includes any contact by any law enforcement agency as the result of a complaint by any person for any crimes related to family abuse or domestic violence.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-departmental business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in criminal prosecution and/or discipline under this policy.

(j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or any other law enforcement agency.

(l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 DISCRIMINATION

(a) Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

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(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.

340.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing or attempting to conceal defective work, removing or destroying it without permission.

(e) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

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(n) Work related dishonesty, including attempted or actual theft of department property, services or the property of others.

(o) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship whether on- or off-duty.

(p) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds

(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(v) Unlawful gambling or unlawful betting at any time or any place.

(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.

(z) Violating any misdemeanor or felony statute.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

(ad) False or misleading statements to a supervisor.

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340.3.6 RETALIATION PROHIBITED

(a) In order to ensure all members have the opportunity to perform their duties to their fullest potential, it is essential that a supportive working environment be maintained. This environment must be free from fear of retaliation in any manner. Retaliation may occur for such reasons as, but not limited to:

1. Reporting misconduct.
2. Testifying against a fellow department member.
3. Testifying at a criminal or civil trial.

(b) **Policy and Procedure**

1. In order to maintain community credibility it is essential that citizens do not fear retaliation by department members. Retaliation may occur for such reasons as, but not limited to:
   (a) Demonstrating one's constitutional rights.
   (b) Reporting misconduct.
   (c) Questioning the legality of a member's actions.
   (d) Asking for a member's name and/or Department I.D. number.
2. All members will refrain from any acts of retaliation. These acts include, but are not limited to:
   (a) Refusal to provide back-up or support.
   (b) Creation of a hostile work environment.
   (c) Intimidation or ridicule.
   (d) Inappropriate jokes, remarks or gestures.

(c) **Responsibility, Accountability and Control**

(a) All members have a responsibility for promoting a retaliation-free work environment. In addition, supervisors have the responsibility of ensuring that all employees are informed of the seriousness of retaliation and its consequences.

340.3.7 SAFETY

(a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment

(b) Knowingly failing to report any on the job or work related accident or injury within 24 hours

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment

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(d) Failure to maintain good physical condition sufficient to adequately perform law enforcement duties

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment

340.3.8 SECURITY

(a) Unauthorized, intentional release, alteration or removal of designated confidential information, materials, data, forms or reports.

340.3.9 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.3.10 COURTESY

Members shall, on all occasions in the performance of their duties or after identifying themselves as a Tigard Police Department member, be respectful, courteous and considerate toward their supervisors, their subordinates, all other members and the public. No member shall use profanity in the performance of his/her duties. It may be necessary to quote another person in reports or in testimony. Members may be required to use profanity to establish control in the exceptional circumstances where its use may help avoid the deployment of physical or deadly force. These circumstances are very limited and shall be documented in an appropriate report. No member shall use epithets or terms that tend to denigrate any particular gender, race, nationality, sexual orientation, ethnic or religious group, except when necessary to quote another person in reports or in testimony.

340.3.11 TRUTHFULNESS

The integrity of police service is based on truthfulness. No member shall knowingly or willfully depart from the truth in giving testimony, or in rendering a report, or in giving any statement about any action taken that relates to his/her own or any other member's employment or position. Members will not make any false statements to justify a criminal or traffic charge, or seek to unlawfully influence the outcome of any investigation.

These requirements apply to any report concerning Department business, including but not limited to, written reports, transmissions to the Washington County Consolidated Communications Association and members via radio, telephone, pager, e-mail or mobile data computer (MDC).

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Members are obligated under this directive to respond fully and truthfully to questions about any action taken that relates to the member's employment or position regardless of whether such information is requested during a formal investigation or during the daily course of business.

340.4 IDENTIFICATION

340.4.1 POLICY

Members in a uniform will carry their issued identification (I.D.) card and display their badge and issued name tag on their outermost garment. Members are relieved of the displaying requirements when wearing the badge and/or name tag is prohibited by the uniform type.

Members wearing civilian attire will carry their badge and/or Bureau I.D. on their person at all times while on duty except when such impairs their safety or impairs an investigation. Members will wear their badge or Bureau I.D. so to be clearly visible in all City facilities.

When on duty or after identifying themselves as a Tigard Police Department member, all members will identify themselves by name and I.D. number upon request (I.D. numbers will be provided when citizens request a badge number). Upon demand, I.D. will be presented in writing or through the presentation of a Department issued business card. The only exceptions to the I.D. presentation rule are when the providing of this information impairs the performance of the police duties or a supervisor has authorized the withholding of information.

Business or personal cards that refer to the Department shall be used by members only in connection with official business and will conform to the approved Bureau form.

340.4.2 MISUSE OF OFFICIAL POSITION OR IDENTIFICATION

Members shall not use their official position, official identification (I.D.) cards, DPSST certification card or badges for personal or financial gain, obtaining privileges not otherwise available to them but for their official position (except as approved by the Chief of Police), or for avoiding consequences of illegal acts (i.e., if stopped off duty for a traffic violation). Members shall not lend to another person their I.D. cards, badge or name tags, nor use another person's I.D. card or name tag. These items will not be photographed or reproduced without the approval of the Chief of Police.

Members shall not authorize the use of their names, photographs or official titles that identify them as Department members in connection with testimonials or advertisements of any commodity or commercial enterprise, without the written approval of the Chief of Police. The request should identify specifically what will be photographed or used and how it will be depicted. The purpose of the advertisement should also be described.

Members, individually or representing police organizations, shall not issue to persons other than members, any card, or other device that purports to entitle the holder thereof to any special privilege or consideration.

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Members shall not use their official position with the Tigard Police Department as a means of forcing, coercing or intimidating persons with whom they are involved in any civil matters to cause those persons to take or refrain from taking, any action in that matter.

340.5 UNSATISFACTORY PERFORMANCE

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Tigard Police Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indications of unsatisfactory performance, the following examples could be considered prima facie evidence of unsatisfactory performance: performance deficiencies or a written record of infractions of rules, regulations, directives or orders of the Tigard Police Department.

340.6 TOBACCO USE

Members shall not overtly use oral tobacco products while inside Tigard police facilities, while within City of Tigard owned or leased vehicles, or while engaged in close contact with the public. All smoking of tobacco products is prohibited by law and City policies, to included vaping.

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Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

342.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Tigard Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

It is the policy of the Tigard Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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Employees may not be asked for or required to provide their username, password or other means of authentication that provides access to their personal social media accounts unless otherwise allowed under ORS 659A.330.

342.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

342.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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342.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

342.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources. All department members, to include non-FLSA exempt members, are allowed to access the inTime scheduling system on a de-minimus basis as necessary and for their own convenience.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

342.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

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Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

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(e) All misdemeanor crimes; unless the victim is unknown, states they do not want a report, or is otherwise uncooperative

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing and Vulnerable Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Death Investigations Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

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344.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose.

(b) Attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Only in the event of RegJIN/MRE becoming inoperable, and then only at the direction of a supervisor, will written reports be allowed.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
Where RegJIN/MRE reports are not provided, those other forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent. All forms thats are handwritten shall be submitted and scanned into RegJIN/MRE as orphan documents.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Hold/Request or Additional Information form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for transcription and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and dissemination of information regarding incidents and actions involving the Police Department. It also details media access for information as well as accessibility to scenes of disasters, criminal investigations, emergencies and other law enforcement involved activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall reside with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, the designated Public Information Officer (PIO) or a supervisory/Command Staff member may prepare and release information to the media in accordance with this policy and the applicable law. **If someone other than the PIO (in his/her absence) issues a release, a copy of the media release will be sent to the Public Information Officer.**

Public information is to be provided to the media in an accurate, timely, and detailed manner consistent with individual rights and protections. The Public Information Officer will prepare and disseminate releases of human interest stories, awards, announcements, appeals to the public for assistance, clearance of cases, property recoveries, etc., on request. All personnel are encouraged to submit such information for release to the Public Information Officer. The Public Information Officer will be responsible for all news releases when at the scene of the occurrence and will facilitate and coordinate all media contact when major incidents occur. Because follow-up media releases may be necessary on major incidents, the Public Information Officer must be kept abreast of any new developments surrounding the incident. In the event the Public Information Officer is not available, the supervisor in charge will (following departmental guidelines) cause a written media release to be prepared for the news media, forwarding a copy of same to the Public Information Officer. The Public Information Officer should in most cases be the only source of media information. The Public Information Officer must be kept informed of contacts with the news media by other department personnel to maintain continuity of reporting. It is the responsibility of the Public Information Officer to be aware of all Tigard Police Department activity that might fall under the realm of the news media, and to keep administrative personnel abreast of all cases that draw media attention. All media releases are to follow the guidelines listed within this policy.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

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(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.2.2 MEDIA INQUIRIES

(a) **Walk-In Inquiries**

1. Walk-in inquires should be first directed to the Public Information Officer. If the Public Information Officer is unavailable, the shift supervisor may be contacted. Every effort should be made to accommodate the inquiry.

2. The Media Information Log is automated to generate each morning. The log will always need to be checked for information that may not be suitable for the public or media to view. Once the log is reviewed for applicability, it is faxed to the media upon request.

(b) **Telephone Inquiries**

1. If there is an issue that the media is inquiring about during normal business hours and they are not on-scene, the on-duty Records Clerk should contact (in order of availability):

   (a) Public Information Officer.

   (b) A patrol supervisor preferably one not involved in the incident, if available.

   (c) Operations Commander

   (d) Chief of Police.

2. If there is an issue that the media is calling about **after normal business hours, on weekends and holidays**, and they are not at the scene of the incident, the on-duty Records Clerk should advise as follows (in order of availability):

   (a) Public Information Officer.

   (b) Patrol shift supervisor. If two are working, the supervisor not involved in the incident should respond back to the media.

   (c) Operations Commander

   (d) Chief of Police.

(c) **On-Scene Inquiries**

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1. If the media is at the scene of an incident and requesting media information, the notification should immediately be forwarded to (in order of availability):
   (a) Public Information Officer
   (b) A patrol supervisor preferably one not involved in the incident, if available.
   (c) Operations Commander
   (d) Chief of Police

346.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the Watch Commander. The TFR should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation should be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

(e) Media representatives will not be allowed to enter the inner perimeter of a tactical situation or a crime scene while an incident or investigation is in progress.

A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in

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order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.3.2 NEWS MEDIA ENTERING THE AREA OF A SERIOUS POLICE INCIDENT OR CRIME SCENE

Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media may be allowed in such areas. Authorization for entry is normally dependent upon the possession of permanent or temporary news media identification. In the event a member of the media does not have in his/her possession news media identification, and it is reasonably apparent the person is in fact a member of the media, and the operation of obtaining news coverage appears to be limited in duration, the person may be recognized as a news media member.

346.3.3 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137). All requests for TFR should be routed through the Watch Commander.

346.4 INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Public Information Officer.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated departmental media representative, the custodian of records, or if unavailable, to the Patrol Lieutenant. Such requests will generally be processed in accordance with the provisions of this policy.

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346.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE

The release and inspection of public records is controlled by the Records Maintenance and Release Policy and ORS 192.410 through ORS 192.505.

The record of an arrest or the report of a crime shall be disclosed unless there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Once the clear need to delay release is no longer present, the following information must be released.

For purposes of this subsection, the record of an arrest or the report of a crime includes:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information.

(b) The offense with which the arrested person is charged.

(c) The conditions of release.

(d) The identity and biological information concerning both the complaining party and the victim.

(e) The identity of the investigating and arresting agency and the length of the investigation.

(f) The circumstances of the arrest including time, place, resistance, pursuit and weapons used.

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

346.4.2 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Restricted information is outlined in detail in the Records Maintenance and Release and the Protected Information policies.

(b) Any specific operational or contingency plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity (ORS 192.501(18)).

(c) Criminal history information.

(d) Information pertaining to pending litigation involving this department.

(e) Information obtained in confidence.

(f) Any information that is otherwise privileged or restricted under state or federal law.

(g) Confidential peace officer personnel information (see the Personnel Records Policy).

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1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act (ORS 192.502).

(h) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(i) Investigative information other than as listed above, without the expressed authorization of the Detective Supervisor in charge of an investigation.

346.4.3 OTHER RESTRICTED INFORMATION

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office. This includes:

The names of juvenile suspects or juveniles under 15 years taken into custody or a juvenile taken into custody for a status offense, ie. MIP, curfew, etc. Opinions about a defendant's character, his guilt or innocence. Admissions, confessions, or the contents of a statement or alibis attributable to a defendant. References to the results of investigative procedures such as fingerprint and polygraph examinations ballistics tests, and possible testimony based on laboratory examinations. Identification of or statements concerning the credibility or anticipated testimony of prospective witnesses. Opinions concerning evidence or arguments in a case. Information of a demeaning nature which has no direct bearing on the case. Names of victims in sex crimes, suicides, attempted suicides, and mental disorders. Names of suspects, unless warrants have been issued and it would aid in apprehension. Statements attributing acts to specific individuals. Example: Do not say "A shot B." Say "B was apparently/ allegedly shot. Arrested in connection with the case was A." Monetary amount of loss. Any information of a sensitive nature which might interfere with investigation of a case. Precise descriptions of items seized or discovered during investigations.

346.4.4 PHOTOGRAPHS

Photographs of suspects may be released only if a valid law enforcement function is served, such as to aid in their apprehension.

Members will not pose any person in department custody, but will not interfere with the photographing of persons in custody when they are in public places. Prisoners have a right to shield themselves from being photographed.

Photos of department personnel may be released on authorization of the Chief of Police and there must be a "Employee Photo Release Form" on file.

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Court Appearance and Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established in compliance with Oregon Revised Statutes 136.595 to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Generally, a subpoena is served by delivering a copy to the witness personally. Proof of service is made in the same manner as in the service of a summons.

(a) In accordance with Oregon Revised Statutes 136.595 (2) and ORCP 55, this department shall accept subpoenas on behalf of currently employed peace officers who are within the state at the time of service, provided the follwing conditions are met:

1. The peace officer's attendance at trial is related to work he/she performed in the course of employment as a peace officer.
2. The subpeona is delivered to the Records Supervisor or to the Watch Commander at least 10 days prior to the appearance date shown on the subpeona.

(b) The Records Specialist shall make a good faith effort to notify the subpoenaed employee of the date, time and location of the court appearance. If the employee cannot be notified, the Records Specialist will contact the court and advise them of the inability to contact the employee.

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348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or the Records Specialist shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Records Specialist. The Records Unit shall maintain a chronological file of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) If a conflict is identified by the Records Specialist or the supervisor, they will be responsible for listing the conflict on the subpoena and placing the subpoena in the officer's mailbox. The officer will then be responsible for notifying the Court Coordinator or the shift supervisor if immediate action is required.

(d) The Court Coordinator will be responsible for contacting the subpoenaing agency and advising them of the reason there is a conflict with that court date. This contact will be made by telephone followed by a written notice. For DMV hearings, a teletype will be sent. The written notice will be in the form of a fax to the subpoenaing agency and will include a requirement that the subpoenaing agency return an acknowledgment of receipt and a status of the subpoena.

(e) Should the Court Coordinator not be available to contact the subpoenaing agency within a reasonable time, the on-duty supervisor will assume the responsibility of contacting the subpoenaing agency by telephone and written notice.

348.2.4 COURT NOTIFICATION

Employees are required to provide and maintain current information on their address and phone number with the department. Employees are required to notify the department within 24-hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee is not at their residence, is unable to answer the documented phone number, or changes his/her location during the day, the employee shall notify the Records Unit or the District Attorney of how he/she can be reached by telephone. Employees are required to check the status of the case each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee for the day.

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348.2.5 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty under the color of their police authority as a member of the Tigard Police Department shall be compensated for court appearances.

Employees will not be compensated for unauthorized off-duty related subpoenas (i.e. civil or criminal matters that are personal in nature and not directly related to their authority as a member of the Tigard Police Department). Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.6 FAILURE TO APPEAR OR REFUSAL
Any employee who fails to accept or comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS
The department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the department will also reimburse any officer for reasonable and necessary travel expenses.

The department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 PROCEDURE
To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the officer or department is not a party without properly posted fees pursuant to Oregon Revised Code of Procedure 55D(1).

348.3.3 PARTY MUST DEPOSIT FUNDS
The party in the civil action who seeks to subpoena an officer must deposit the statutory witness fees and mileage for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

348.4 OVERTIME APPEARANCES
If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Collective Bargaining Agreement.

348.5 COURTROOM PROTOCOL
Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

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348.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or professional business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from chewing gum or tobacco in the courthouse, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE
Any member of this department who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Oregon, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

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Reserve Officers

350.1 PURPOSE AND SCOPE

The purpose of this policy is to document the policies and procedures of the Reserve Officer Program and the services provided to the Tigard Police Department (TPD) by Reserve Officers.

350.2 POLICY

The department shall maintain and provide a carefully selected and well-trained Reserve Officer force. The Reserve Officer Program is comprised of volunteer citizens interested in serving the City of Tigard by:

- providing supplemental support for routine law enforcement activities
- broadening the capacities of TPD to handle unusual events and emergencies
- enhancing public service and garnering citizen support
- or perform any assignment at the direction of the Chief of Police

350.3 MEMBERSHIP

All Reserve Officers and Reserve Recruits are volunteers, commissioned with general peace officer authority consistent with applicable laws, who serve at the discretion of the Chief of Police. Membership in the Reserve Program shall be for an indefinite period and Reserve Officers and Reserve Recruits may be dismissed at will and without cause.

Members in the Reserve Officer Program will not be compensated for membership or volunteer duties, training or patrol time, unless approved by the Chief of Police. Members may be compensated by requesting parties for special functions, such as school district activities, or other details where a salaried police officer may not be used due to policy or unavailability. When paid the rate will be at the base police officer compensation rate and will follow the City of Tigard's Finance guidelines. Any paid work must receive approval prior to the event by the Chief of Police. The application process and appointment requirements for reserve officers are the same as salaried officers. The City will cover all costs of the hiring process as they do for salaried officer applicants. No employee or official of the City of Tigard, whether appointed or elected, may be a member of the Reserve Program. Upon entering the Reserve Program, a DPSST number will be requested for the Reserve Recruit.

Reserve Officers shall maintain required department training and hours in order to stay active in the Reserve Program. Reserve activities may be restricted at any time, and any reserve may be asked to resign or be separated from the Reserve Program whenever the member fails to stay current or meet reasonable expectations and standards based upon training and level of experience.

The Reserve Unit maintains staffing levels not to exceed 25% of the authorized number of salaried officers as established by City Council, inclusive of command level positions. Reserve Officers and Reserve Recruits wear the same uniform as salaried officers, which the City will furnish and

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maintain. The City shall furnish standard duty web gear, ballistic vest, and badge. Reserves must provide any additional gear, including footwear, flashlight, a Glock Model 17, 9mm pistol and three magazines.

350.4 DEFINITIONS

Reserve Academy - A recognized training program for reserve recruits.

Reserve Recruit -A member who has met all of the qualifications and has been accepted into the Reserve Program and is expected to participate in and complete the reserve academy. A Reserve Recruit must complete the Field Training and Evaluation Program (FTEP) with a Department Field Training Officer (FTO) within two years of appointment. Reserve Recruits shall be sworn in at the time of their appointment and will be allowed to ride with full time, non-probationary sworn officers once they have completed the department's initial mandatory training (i.e. firearms, defensive tactics, baton/ASP, chemical agents).

Reserve Officer - Reserve Recruits who have successfully completed a recognized reserve academy and all mandatory training, have completed the department's Field Training and Evaluation Program (FTEP), and have completed 200 hours of patrol time, may be moved to Reserve Officer status.A Reserve Officer may not perform any solo patrol duties. A Reserve Officer may work limited specialty assignments, including; but not limited to jail transports, scene security, and other duties assigned by the shift supervisor. A Reserve Officer may not perform general solo patrol duties such as: traffic enforcement, taking calls for service or independent police action.

A Reserve Officer shall always ride with a full time, non-probationary sworn officer.

Requirements for Reserve Officer may be waived at the discretion of the Chief of Police if the individual officer has been previously certified as a police officer. Reserve Officers who are granted an exception must complete their required department and FTEP manual and receive a recommendation from three patrol supervisors and two field training officers before a change in status will be considered. The Chief of Police reserves the right to require additional training at any time before approving a change in status.

Reserve Sergeant - The Reserve Sergeant's duties shall include but are not limited to:

(a) Assisting in conducting monthly Reserve Program meetings in a professional and organized manner.

(b) Ensuring reserve personnel conduct themselves in a professional manner.

(c) Keeping the Reserve Coordinator informed on matters concerning the Reserve Program.

(d) Responsibility for maintaining the chain of command.

(e) Assisting with the coordination of Reserve Program activities and functions.

(f) Assisting with coordination of training for the Reserve Program in general, and with specific needs of Reserve Officers and Reserve Recruits, as well as monitoring the progress of Reserve Recruits on their FTEP manuals.

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350.5 COMMAND ORGANIZATION AND PROCEDURES

All Reserve Officers and Reserve Recruits function under the direct authority of the Chief of Police. While working as a Reserve Officer or Reserve Recruit the member is under the direct supervision of the shift supervisor. Reserve officers and Reserve Recruits are bound by the same policies and procedures as salaried officers, except where the General Orders dictates otherwise.

The Operations Division Commander is the overall commander of the Reserve Program and is responsible for member selection, training, and overall operation. The Operations Division Commander shall appoint a Lieutenant to work directly with and manage the Reserve Program. A Patrol Sergeant will be selected by the Lieutenant to directly supervise the Reserve Program. The Sergeant will work directly with the Reserve Program and report to the Lieutenant on Reserve Program matters.

One or more Reserve Officers may be appointed to the rank of Reserve Sergeant depending on unit numbers and department's needs. The Operations Division Commander shall select qualified personnel from the Reserve Unit to hold the position of Reserve Sergeant. The criteria for selecting a Reserve Sergeant shall be based on demonstrated knowledge and administrative skills as well as an exemplary record of service including but not limited to: attendance at required meetings and functions, recognized training hours, and demonstrated leadership skills which all members shall strive to attain. Any member of the Reserve Program who is designated as a Reserve Sergeant may be separated from that position and returned to a non-supervisory position at any time he/she fails to stay current or meet reasonable expectations and standards based upon training and level of experience. This volunteer position will be performance based without rotation, and at the sole discretion of the department's leadership team.

350.5.1 OPERATIONS CHAIN OF COMMAND

The chain of command in the Reserve Program for field operations will be adhered to by all members, and is as follows:

(a) Chief of Police

(b) Assistant Chief

(c) Captain

(d) Lieutenant

(e) Sergeant

(f) Police Officer

(g) Reserve Sergeant

(h) Reserve Officer

(i) Reserve Recruit

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350.5.2 ADMINISTRATIVE CHAIN OF COMMAND

The chain of command for administrative issues encountered by Reserve Officers or Reserve Recruits will be adhered to by all members, and is as follows:

(a) Chief of Police

(b) Assistant Chief

(c) Captain

(d) Lieutenant (Reserve Coordinator)

(e) Sergeant (Reserve Supervisor)

(f) Reserve Sergeant

(g) Reserve Officer

(h) Reserve Recruit

350.5.3 LEAVE OF ABSENCE

Any Reserve Officer or Reserve Recruit who is unable to complete all of the reserve training and attendance requirements for more than two consecutive months, shall apply for a leave of absence. A member may apply for a leave of absence due to work, military, health or family issues. The leave of absence request shall be written on a department memorandum and follow the chain of administrative command for final approval. Final approval for leaves of absence may be granted by the Chief of Police or designee and is not subject to appeal or bargaining. The leave of absence shall not exceed six months. In extreme cases, such as an involuntary military deployment, the Chief of Police may grant a waiver in individual cases. Prior to any leave approval, all Department issued equipment, including uniforms, badge(s) and identification card(s) shall be surrendered and stored by the Reserve Coordinator. At the end of the granted leave period the Reserve Officer shall report back to duty or separate from the Program. Any member who does not report back or fails to communicate their intent to the Reserve Coordinator at the end of the six month leave period shall be deemed separated from the Program.

Members returning to active duty from a leave of absence, shall be evaluated by an FTO and complete all Department mandatory training before returning to active duty. This includes but is not limited to firearms, defensive tactics, baton, chemical agents, and a demonstrated working knowledge of the laws of the State of Oregon. Members who receive a leave of absence longer than six months may be required to attend the reserve academy and repeat all the steps for status change upon return.

When the Reserve Officer or Reserve Recruit has one unexcused absence from a mandatory meeting or training function, the member may receive a memorandum in his/her file. After two unexcused absences a letter of reprimand may be placed in the file. After three unexcused absences separation of the Reserve Unit may be considered.

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350.6 GENERAL DUTIES AND RESPONSIBILITIES

Reserve program members primarily supplement the Patrol Division by performing some duties regularly carried out by Patrol Unit. Reserve members may also be used to assist the Investigations Division and Records Unit and perform other assignments at the direction of the Chief of Police or designee. When serving on active duty at the call of the Chief of Police or other authority of the City of Tigard, members of the Reserve Program shall be entitled to all the powers and privileges of salaried police officers with the City of Tigard, and are subject to all the duties, regulations, and responsibilities of salaried officers. All reserve members are subject to emergency call up. The performance of police duties may be assigned to them at the time of the call up. No reserve member shall participate in patrol duty or any special details while off work from their regular employment due to illness or injury, or if they have any condition that would prevent a salaried officer from working.

All reserve members are required to attend all scheduled training, and meetings each month. Each Reserve Officer and Reserve Recruit is required to work a minimum of 20 hours each month, of which at least 16 hours is in patrol duties. Department authorized training, and special functions designated by the department, may be used to meet the non-patrol requirement. Reserve Officers are exempt from the patrol hour requirement while they are attending the Reserve Academy.

350.6.1 ON DUTY CONSIDERATIONS

While on duty, members shall possess their badge and Department issued identification card. While on duty as a Reserve Officer, the City will defend and indemnify each member and pay the cost of defense and the amount of any judgments entered against the Reserve Officer as long as the duty of the Officer arises out of good faith performance of their duties. (See Tigard City Council Resolution #98-65 for further clarification of the City's policy regarding defense and indemnification and ORS 30.260 to 30.300, the Oregon Tort Claims Act). While on duty as a Reserve Officer, the City will provide Workers' Compensation coverage for "compensable" accidental injuries and illnesses. Compensable" means an injury or illness arising out of and in the course of Reserve Officer duties. (See ORS 656 for further clarification of Workers Compensation rules in the State of Oregon)

350.6.2 OFF DUTY CONCEALED WEAPON CONSIDERATIONS

Reserve Officers are not authorized by their status within the Reserve Program to carry a concealed weapon off duty, except while traveling to and from their authorized duty assignment. Reserve Recruits are not authorized to carry a concealed weapon off duty at all. This does not otherwise preclude the holder of a valid concealed weapons permit issued pursuant to state law from carrying a concealed weapon, but they do so without departmental authority. Upon separation from the Reserve Program members are not authorized under state law to carry a concealed weapon on their persons regardless of their tenure or status. TPD assumes no liability nor confers any police authority to any reserve member separated for any reason.

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350.6.4 OFF DUTY CONDUCT AND EMPLOYMENT STATUS

Reserve Officers are required to follow all department policies and procedures. This includes those policies that pertain to off duty situations and notification requirements. Although Reserves are non-salaried volunteers, they must still notify the Chief of Police (via memo) concerning any changes in their employment status. This is mainly to avoid embarrassment to the department: e.g. Reserve member accepts employment in an industry or undertaking that is counter to the ethics of law enforcement or the values of this department.

350.7 DISCIPLINE

Reserves are subject to corrective action and discipline for failing to meet expectations or for violation of any department policy. Discipline may include written reprimands, suspension or termination of the reserve commission. A Reserve may be suspended for cause by any Department Supervisor pending review by the Operations Division Commander. A Reserve Officer or Reserve Recruit may be separated from the Reserve Program without cause at any time by the Chief of Police. Reserve Program members are volunteers. Volunteers may participate, but have no right or entitlement to participate in department programs. Reserve Unit members are not "for cause" employees.

350.8 RECOGNITION OF SERVICE

The Chief of Police may choose to recognize Reserve officers in one the following manners:

(a) An engraved plaque for more than 5 years of service.

(b) An engraved plaque with a badge affixed or engraved after 10 years of service.

(c) A shadow box with a badge and engraved plate after 15 years of service.

(d) Leaves of absence shall not be counted toward total years of service.

350.9 PERFORMANCE EVALUATIONS

Reserve recruits will be evaluated through the Field Training Program and Daily Observation Reports (DOR's) will be completed until they reach Reserve Officer status.

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Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.2 POLICY

It is the policy of the Tigard Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

352.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

352.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Tigard Police Department shall notify his/her supervisor or the Watch Commander and WCCCA as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

352.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.5 REPORTING REQUIREMENTS

Incidents of outside assistance or requested law enforcement activities that are not recorded otherwise in a crime report should be documented in a general case report, memorandum to the Chief's office, or as directed by the Watch Commander.

352.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to WCCCA and the respective division lieutenant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Coordinator should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Tigard Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

356.2 POLICY

It is the policy of the Tigard Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Criminal Investigation Unit Supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process (OAR 257-070-0100).

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Oregon State Police in accordance with ORS 163A.035 and OAR 257-070-0100.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

356.3.1 CONTENTS OF REGISTRATION

Registrants shall (ORS 163A.010; OAR 257-070-0110):

(a) Provide the information to complete the sex offender registration form and sign it.

(b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.

(c) Submit to fingerprinting, if required.

356.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

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(b) Review of information on the State of Oregon Sex Offender Inquiry System.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to Oregon State Police.

The Criminal Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Tigard Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Sex Offender Inquiry System (http://sexoffenders.oregon.gov/), or the Tigard Police Department's website.

The Records Supervisor shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 163A.215; ORS 163A.225; ORS 192.410 to ORS 192.505).

356.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register, who are in compliance with the offender registration laws and who the law permits to be included.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The information on this website may not reflect the entire criminal history of a registered offender.

(e) Anyone who uses information contained in the registry to harass or discriminate against registrants or commit any crime may be subject to criminal prosecution and/or civil action.

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Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media shows a strong interest would also be of interest to the Chief of Police, Assistant Chief of Police, and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (See Policy Manual § 310.5.3 for special notifications)
- Any discharge of firearm other than on an approved range
- Significant injury or death to employee - on or off duty
- Death of a prominent official
- Arrest of Department employee, prominent official, or outside police agency employee
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Serious or extensive damage to City property
- Any explosion or bomb threat requiring the Explosives Ordinance Disposal Unit response
- Major fires or hazardous spills
- Any other event likely to attract media attention

358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made during off-duty hours by calling the home telephone number first and then by cellular telephone.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs as described in the Policy section of this policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Lieutenant if that division is affected.

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358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC SAFETY UNIT/ CART NOTIFICATION

In the event of a traffic fatality or major injury related to a vehicle crash, the Watch Commander shall notify on-duty members of the Traffic Safety Unit to respond and take primary on the investigation. The primary scene investigator will advise the Watch Commander when other resources are needed. The Watch Commander will contact WCCCA to have the Washington County C.A.R.T. Supervisor notified, who will then be responsible for contacting the appropriate accident investigator(s) as necessary based on the scope of the incident. The Watch Commander will also notify the chain of command, starting with the Operations Division Commander and/ or otherwise as directed in a timely manner, by personal contact and by using the general "PD notification" process.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 MEDICAL EXAMINER NOTIFICATION

Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death:

(a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances

(b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents

(c) Occurring while incarcerated in any jail, correction facility, or in police custody

(d) Apparently accidental or following an injury

(e) By disease, injury or toxic agent during or arising from employment

(f) While not under the care of a physician during the period immediately previous to death

(g) Related to disease which might constitute a threat to the public health

(h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community

The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner or Deputy Medical Examiner, and the District Attorney.

A Medical Examiner, Deputy Medical Examiner, or District Attorney, in conjunction with the Tigard Police Department and/or the county Major Crime Team, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death.

The members of the Tigard Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

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360.2.2 SEARCHING DEAD BODIES

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased, a receipt shall be obtained. This receipt shall be attached to the death report.

In cases where a medical examiner will not be responding and when circumstances permit, the handling officer shall ensure that a reasonable search is made of the deceased person for a driver license, identification card or other information as to whether or not the person has made an anatomical gift. In such cases the officer shall notify the Medical Examiners Office as soon as is reasonably possible of the identity of the deceased person and, if known, the identity of immediate family members or anyone having been granted power of attorney by the deceased person (Oregon Revised Statutes 97.954)

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Upon identifying the body, investigators shall attempt to locate the next of kin or responsible friends to obtain the designation of a funeral home to which the deceased is to be taken.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person own use the personal identification of another person (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective or officer for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ORS 133.220(5).

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer (ORS 133.225).

In making an arrest, a private person may use the amount of force they reasonably believe is necessary to make the arrest or to prevent the arrested person's escape.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

    1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

    2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

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(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written statement of facts.

In addition to the written statement (and any other related documents such as citations, booking forms, etc.), officers shall complete an incident and custody report regarding the circumstances and disposition of the incident. The officer shall have the arresting private person sign the back of the incident and custody report.

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Mass Arrest and Civil Unrest

365.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to effectively deal with crowds engaged in or posing a significant threat of engaging in violence, property damage or breaches of the peace.

365.1.1 POLICY

The department shall be prepared to respond to any location or incident wherein mass arrest may be necessary, and will handle such arrests in a professional manner while safeguarding the constitutional rights of all citizens. The manner in which department members deal with unruly crowds and illegal gatherings has direct bearing on their ability to control and defuse the incident and contain property damage, injury or loss of life. Officers confronting civil disturbances and mass arrest situations, and those called upon to assist in these incidents shall follow the procedures of containment, evacuation, communications, use of force, and command and control as enumerated in this policy.

365.1.2 DEFINITIONS

Civil Disturbance: An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

Mass Arrest: Arrests in excess of five (5) persons arising out of one incident or location in a limited period of time.

Riot: (ORS 166.015) Five or more persons engaged in tumultuous and violent conduct and thereby intentionally or recklessly creating a grave risk of causing public harm.

365.1.3 GUIDELINES

Section 365.1.4 states the Department's guidelines for public assemblies. It may be given to those who plan to have an assembly and have questions about the Department's involvement. Section 365.1.5 summarizes the legal basis of authority to act in crowd situations in and around the City of Tigard.

365.1.4 TIGARD POLICE DEPARTMENT GUIDELINES FOR PUBLIC ASSEMBLIES

General Information

The Tigard Police Department recognizes the Constitutional right of individuals to peacefully assemble and redress grievances. The department will not take actions that violate these rights and will remain neutral with respect to the issues that caused the assembly. Our purpose and responsibility is only to maintain the peace and order. These guidelines are provided to you in the hopes that a police presence will not be necessary at your assembly.

Planning the Assembly

The proper conduct of people involved in an assembly is best achieved through proper planning and communication. All parties involved in the assembly are expected to obey all laws and

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ordinances. You are encouraged to consult with us in advance of your assembly. However, if you need legal advice about particular activities, you must consult your attorney. We suggest that your plan include the designation of a person in charge of the assembly, a method of providing clear instructions to the people involved in the assembly about what they can and cannot do, and a periodic check of the people involved to ensure that they are not armed or under the influence of alcohol and drugs.

Obligations of Parties Involved

A person in charge of the assembly must be on the scene and be identified to the police officer upon request. The assembly cannot obstruct the access to use by the general public of sidewalks, streets, alleys, driveways and other thoroughfares. Businesses must be allowed to remain open and to conduct business. Private property rights must be observed. If you are involved in a labor dispute and the law allows you to use a portion of private or public property for the assembly, you must confine your activities to the permitted areas.

No person may use physical force against another person or damage public or private property. This includes a prohibition against throwing objects at others, displaying firearms or other dangerous weapons, damaging vehicles, setting fires and the harassment of other people.

Police Involvement

It is not necessary to deploy police personnel to a lawful assembly. Should police deployment become necessary, whenever possible in the best interest of public safety, we will request the person in charge of the assembly take action to preserve the peace. The Police Department will often videotape assemblies for the purpose of later identification and arrest of criminals and to record the activities involved in the assembly. If it becomes necessary for the police to take action at the scene of the assembly to preserve the peace, we will take whatever action is necessary including arresting or issuing citations to individuals violating the law and utilizing such force necessary to restore order. If the assembly becomes violent, it will be treated as a riot and all individuals on the scene will be ordered to disperse or be arrested. The Police Department, through mutual aid agreements with all other law enforcement agencies has sufficient resources to enforce the law at an assembly when necessary. We sincerely hope that police action is not necessary at your assembly.

Additional Information

If you wish additional information about demonstration guidelines, please call the office of the Chief of Police, Tigard Police Department, (503) 639-6168.

365.1.5 SUMMARY OF LEGAL BASIS OF AUTHORITY TO ACT IN CROWD SITUATIONS IN AND AROUND THE CITY OF TIGARD

The Oregon Supreme Court struck down the subsection of the state Disorderly Conduct statute that criminalize refusal to disperse following a lawful police order. The rest of the Disorderly Conduct statute remains in effect, including the prohibition against blocking vehicular or pedestrian

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traffic on a public way while recklessly causing a grave risk of public inconvenience, annoyance or alarm. The Court did not prohibit police from dispersing unlawful assemblies.

Summary of Authority

The following is a list of authority available for the policing of crowd events and an intertwined list of prosecutable crimes that may occur at crowd events.

(a) Interfering with a Peace Officer/Refusing to Obey a Lawful Order

1. A peace officer gives a person a lawful order to do or not to do something;
2. The person refuses to obey that order;
3. The order must be a lawful order which means there is a law which requires or prohibits the behavior that the person is being ordered to do or not to do;
4. The person must actively not obey the order (passive disobedience does not violate this law).
    (a) Practice: A recent case has caused some confusion about the definition of 'lawful order'. It remains clear that orders based on authority granted by statute or case law supports this charge. When you apply this statute, it is essential to identify the behavior which would violate the restrictions placed on time, place or manner of speech. While it is a lawful order to command a person to provide valid name for the purpose of filling out a citation; however, it is not lawful to order a person to provide their name in the absence of authority to make an arrest or issue a citation.

(b) All police officers have the authority to place reasonable time, place and manner restrictions on speech in public places as long as the restriction squarely address a real public need and is "content-neutral." Restrictions that solve a danger or disruption problem but still allow a speaker an effective opportunity to communicate require less justification than a restriction that completely prohibits speech.

(a) Practice: When possible, give an order that reduces any danger or disruption in a situation while allowing the speaker(s) an opportunity to continue to communicate in some effective way. The courts will approve your decision if you solve the policing problem while placing the least amount of restriction on speech. If you must stop speech altogether to avoid a great harm to the community, be prepared to document significant safety, crime or disruption issues for the courts.

(b) Practice: Usually, you may not respond to the content of speech. The content of speech may not form the basis of a restriction or prohibition unless the content is "fighting words," or presents a clear and present danger which would be very rare. Practice: A reasonable time, place or manner restriction is a lawful order of a police officer, and failure to obey the order is a violation of Interfering with a Police Officer.

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(c) Authority of parade permit holder to exclude unwanted messages from the parade. Hurley v. GLIB, 515 US 557 (1955) (U.S. Supreme Court case) The holder of a parade permit has unlimited discretion to exclude people and messages from the parade.

  (a) Practice: Establish communications with the permit holder or agents before the event and create a procedure for dealing with unwanted participants. Follow trespass law and procedures if permit holder decides to exclude unwanted participant.

  (b) Practice: Be mindful of the geographic extent of the permit typically curb-to-curb.

(d) Disorderly Conduct/Obstructing Vehicular Or Pedestrian Traffic - ORS 166.025(1)(d):

  (a) A person obstructs vehicles or pedestrians on public streets or sidewalks;

  (b) By either personally obstructing or placing objects that obstruct vehicles or pedestrians;

  (c) Recklessly creating a risk of causing public inconvenience, annoyance or alarm.

(e) Disorderly Conduct/Engaging In Fighting Or Violent Behavior - ORS 166.025(1)(a):

  (a) A person uses physical force against another person not in self-defense, or a person engages in violent and threatening behavior;

  (b) Recklessly creating a risk of public inconvenience, annoyance or alarm.

(f) Riot - ORS 166.015

  (a) Five or more individuals participate together;

  (b) They engage in tumultuous and violent behavior that presents an imminent threat of personal injury or property damage;

  (c) Recklessly causing public alarm.

(g) State Vehicle Code Laws That Apply To Pedestrians Or Bicyclists:

  (a) 811.535 - Failing to Obey Police Officer Directing Traffic B Traffic Violation;

  (b) 814.070 - Improper Position Upon or Improperly Proceeding Along A Highway (i.e. walking in street when a sidewalk exists) D Traffic Violation

(h) Failure To Disperse From An Unlawful Or Riotous Assemblage When Commanded - ORS 131.675 is committed when:

  (a) An officer of the City has "gone among or as near to them as they can with safety" and order an unlawful or riotous assemblage to disperse and;

  (b) A participant does not immediately disperse.

(i) Unlawful Use Of A Weapon - ORS 166.220

  (a) A person attempts to use against another, uses against another;

  (b) A person carries or possesses with intent to use unlawfully against another;

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(c) A dangerous or deadly weapon, as defined in ORS 161.015. Practice: Successful prosecution requires proof of an intended victim.

(j) Obstructing Governmental Administration - TMC 7.28.040

(a) A person commits the crime of obstructing governmental or judicial administration if the person intentionally obstructs, impairs or hinders the administration of law or governmental or judicial function by means of intimidation, force, physical or economic interference or obstacle.

(b) This section shall not apply to the obstruction of unlawful governmental or judicial action or interference with the making of an arrest.

(c) Obstructing governmental or judicial administration is a Class A misdemeanor. (Ord. 84-65)

(k) Threat To Health Or Safety - TMC 7.50.010 Whenever a threat to the public health or safety is created by any fire, explosion, accident , cave-in, or similar emergency, catastrophe or disaster, or by disturbance, riot, presence of an armed person hostage being held, or other disturbance, an officer of the police department may restrict or deny access to persons to the area where such threat exists, for the duration of such threat, when the presence of such persons in such area would constitute a danger to themselves, or when such officer reasonably believes that the presence of such persons would substantially interfere with the performance of the police or other emergency services. (Ord. 86-07)

(l) Restrict Or Deny Access - TMC 7.50.030 As used in this chapter, "restrict or deny access" means that the officers of the police department have the authority to regulate or prohibit the presence or movement of persons or vehicles to, from or within any area, to evacuate persons, and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists. (Ord. 86-07)

(m) Unlawful To Enter Or To Refuse To Leave - TMC 7.50.040 It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to Section 7.50.010 or Section 7.50.020 above, unless such person has specific statutory authority or the permission of the on-scene ranking officer of the police department to be within such area. (Ord. 86-07)

(n) Conduct Restrictions - TMC 7.52.060 No one shall sleep on the seats or benches, or use loud, boisterous, threatening, abusive, insulting or indecent language, or behave in a disorderly manner, or do any act tending to a breach of the public peace. (Ord. 71-12)

(o) Trespass ORS 164.245 (a) A person enters or remains unlawfully in or upon premises.

(a) Practice: This charge must be predicated on a lawful closure or exclusion. Violation of an exclusion from a parade or entry to a closed area supports prosecution under this statute.

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365.1.6 INFORMATION

Members of the Police Department, who receive information concerning any demonstration or potential incident of civil unrest, shall immediately notify the Chief of Police. The Chief of Police, or designee in the Chief's absence, shall determine the department's response. Department members shall not share information gained concerning the potential unrest, unless directed by the Chief of Police. Department members shall ensure that all information they have is made available to those responsible to formulate the police response to the incident.

The department will seek to minimize criminal violations connected with public demonstrations by giving the involved parties guidelines for the conduct of the demonstration see Policy Manual§ 365.1.4. The intent of the guidelines is to seek the cooperation of all parties involved with the demonstration to maintain peace and order by proper planning and restraint. Whenever possible, these guidelines should be discussed with the organizers or officials in charge of all parties to the demonstration. At such time it should be emphasized that the public's access to and use of public sidewalks, public roadways, and public buildings must be preserved.

365.2 PROCEDURES

The first officer to arrive on the scene of a civil disturbance should do the following:

- Observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
- Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of weapons. Request the assistance of a supervisor and any necessary backup and advise as to the present course of action;
- If approaching the crowd would present unnecessary risk, instruct the gathering to disperse from a safe distance;
- Attempt to identify crowd leaders and any individuals personally engaged in criminal acts.

365.2.1 COMMAND RESPONSIBILITY

The ranking officer at the scene shall be the officer in charge (OIC). The OIC or other higher-ranking officer assuming command at the scene shall take the following steps:

(a) Assess the immediate situation for seriousness and its potential for escalation. If the disturbance is minor in nature and adequate resources are available, efforts should be made to disperse the crowd;

(b) Establish the number of personnel and the amount of equipment necessary to contain and disperse the disturbance and relay this information to the communications center;

(c) Where necessary, ensure that appropriate notification is made to:

1. Chief of Police or designee, and Department Command Staff;
2. Mobile Response Team Commander

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3. Public Information Officer, who shall decide whether to be present at or respond to the scene of a mass arrest and shall act as a liaison between the incident commander and the news media;
4. Outside agencies to include the fire department, medical agencies and rescue squads;
5. State and local law enforcement agencies;
6. Department legal advisor; and
7. The local detention center.

(d) Establish a temporary command post based on proximity to the scene, availability of communications, available space and security from crowd participants;

(e) Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;

(f) Ensure that, to the degree possible, uninvolved civilians are vacated from the immediate area of the disturbance;

(g) Ensure that, to the degree possible, surveillance points are established to identify agitators, leaders and individuals committing crimes, and to document and report on events as they occur. Photographic and videotape evidence of criminal acts and perpetrators shall be generated, whenever possible;

(h) Ensure establishment and sufficient staffing of a press area.

365.2.2 MUTUAL AID AGREEMENTS

Any use of outside agency assistance, except those having immediate jurisdiction, will be consistent with current mutual aid agreements and shall be authorized by the Chief of Police or designee.

365.3 COMMAND OPTIONS

When adequate personnel and resources are in place, the OIC shall establish communications with the leaders of the disturbance and discuss actions necessary to disperse the crowd. Should the crowd fail to disperse in the prescribed manner, the OIC should be prepared to implement one of the following options.

365.3.1 CONTAINMENT AND DIALOGUE

The objective of containment and dialogue is merely to disperse the crowd. In so doing the OIC should:

(a) Establish contact with crowd leaders to assess their intentions and motivation and develop a trust relationship; and

(b) Communicate to the participants that:

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1. Their assembly is in violation of the law and will not be tolerated; and
2. The department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.

365.3.2 PHYSICAL ARREST

When appropriate, the OIC will order the arrest of the crowd leaders, agitators or others engaged in unlawful conduct and will:

(a) Ensure the appropriate use of tactical formations and availability of protective equipment for officers engaged in arrest procedures;

(b) Ensure the availability of transportation for arrestees;

(c) Establish a location or facility to accommodate prisoner processing; and

(d) Ensure that a backup team of officers is readily available, should assistance be required.

365.3.3 NON-LETHAL FORCE

When physical arrest of identified leaders and agitators fails to disperse the crowd, the OIC may use non-lethal force to accomplish these ends. In so doing, the OIC shall ensure that:

(a) A clear path of escape is available for those who wish to flee the area;

(b) The use of tear gas, smoke or other non-lethal device is coordinated and controlled; and

(c) Canine teams are restricted from all enforcement actions.

365.3.4 USE OF DEADLY FORCE

The use of deadly force in the control and disbursement of civil disturbances, as in other circumstances, is governed by the department's use of force policy and state law. Specifically;

(a) Law enforcement officers are permitted to use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious physical injury;

(b) Particular caution should be taken when using firearms during civil disturbances- the arbitrary use of return fire in crowds is prohibited; and

(c) Where sniper fire is encountered or hostages taken, the department's policy on hostage and barricaded subjects shall be followed.

365.4 MASS ARREST

During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely and legally, the OIC should ensure that:

(a) An arrest team is designated to process all prisoners for purposes of transportation. When possible, arrests should be made by two person teams equipped with gloves, OC and flex cuffs. Arrestees will be placed in restraints as soon as possible;

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(b) A transportation team is designated to transport prisoners to the booking facility and that an adequate number of vehicles are made available to remove the prisoners to the booking and/or the detention center;

(c) A booking team is designated to process prisoners. If necessary, the OIC will ensure that an adequate secure area is designated in the field for holding prisoners prior to initial booking and/or while awaiting transportation to either the primary booking facility or the local detention center;

(d) When the legal authority exists to take a person into physical custody and such custody occurs, the arresting officer/team shall be photographed with the prisoner for field mug shot identification;

(e) Prisoners shall be searched as soon as practical and personal property and/or evidence shall be handled in accordance with department policy. All evidence and weapons will be handled in a manner that will ensure the preservation of the chain of custody;

(f) All injured prisoners are provided medical attention as practical and required;

(g) All arrested juveniles are handled in accordance with the department's procedure for the arrest, transportation and detention of juveniles;

(h) The arresting officer/team shall deliver the secured arrestees, along with the property and relevant evidence, accompanied by a single paragraph statement of cause for arrest, and any necessary signed booking forms, describing and citing offenses, to the designated transportation team, which will then transport the prisoner to the booking facility. When required or practical the arresting officer(s) may transport the prisoner(s);

(i) If the custody was the result of a citizen's arrest, appropriate signed documentation shall accompany the arrestee;

(j) Upon completion of all duties in connection with the incident, the arresting officer(s) shall complete a detailed report on each arrest.

365.5 BOOKING AND LEGAL COUNSEL

Booking of arrestees is preferably done in the department's facility, but when a mass arrest occurs utilization of other booking facilities will be needed as long as they follow the guidelines set by the department. There will be a designated booking officer/ team which will work with the arresting team to provide adequate security and will advise prisoners of their constitutional rights and opportunity for legal counsel. Medical treatment will also be requested for arrestees at the booking facility.

365.5.1 BOOKING FACILITY

The preferred booking facility shall be the department's main holding rooms. In the event an incident involving mass arrest dictates the utilization of any other booking facility or site other than the departments, the location criteria shall:

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(a) Be located out of sight of the arrest scene;

(b) Be large enough to accommodate the anticipated number of prisoners and all processing procedures;

(c) Provide shelter, warmth, toilet facilities, and adequate security pending transport to the primary booking facility or the local detention facility.

365.5.2 BOOKING OFFICER/TEAM

The responsibilities during the booking of prisoners shall be in accordance with department policies to include the following:

(a) The booking officer/team shall receive the prisoners from the transporting officer/team or from the arresting officer at the booking facility;

(b) Prisoners shall be informed of the booking procedures, and when it is determined the prisoner presents no threat to anyone by any means, restraints may be removed;

(c) A mug shot will be obtained, and a Custody report completed;

(d) An attempt will be made to verify the prisoner's identity, to include a LEDS/NCIC query;

(e) The case number- all relevant documents, prisoner property and evidence shall be checked to verify correct association to the appropriate prisoner. Upon verification that the arrestee is not wanted, meets the court requirement for release, and after OIC approval, a Release Agreement or Security Release Agreement may be completed, appropriate personal property returned and the arrestee released.

365.5.3 PRISONER TRANSPORT/SECURITY

Security of prisoners shall be the responsibility of members assigned to the arrest team, transportation team and booking team.

(a) All prisoners in transport shall be restrained;

(b) Transportation of prisoners from the scene of arrest shall be in secure police vehicles, a prisoner transport van, or if required, may be arranged through the public transit system by contacting a Tri-met supervisor;

(c) The local jail shall be notified in advance of the number of prisoners to be received at their facility.

365.5.4 DEFENSE COUNSEL VISITATIONS

A member of the arrest or booking team will advise all prisoners of their constitutional rights. During mass arrest incidents, a detained person shall have the opportunity to consult legal counsel only after the booking process has been completed and only if reasonable and practical.

365.5.5 COURT & PROSECUTORIAL LIAISON

When a mass arrest situation is anticipated, prior to its actual inception, the city attorney's office shall be notified.

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When a mass arrest incident is spontaneous, without opportunity for prior planning, the city attorney's office shall be contacted for legal guidance, when practical and/or necessary.

365.5.6 MEDICAL TREATMENT

If necessary, the department's specified emergency medical agency shall be requested to stand-by at the scene of the disturbance and at the booking facility to screen arrested individuals for the necessity of medical treatment.

If an arrested person requires prescribed medication while being detained, and that person is in possession of the medication at the booking facility, the department's specified emergency medical agency shall be consulted prior to the dispensation of such medication.

365.6 CONTINGENCY PLANNING

It should be understood that every civil disturbance or mass arrest incident may have special requirements and that the conduct and actions of arrestees may dictate major deviation from this procedure, in which case it will be the responsibility of the Incident Commander to modify the tactics and techniques accordingly.

365.7 DEACTIVATION

When a disturbance has been brought under control the OIC shall ensure that the following measures are taken:

- All law enforcement officers engaged in the incident shall be accounted for and an assessment made of personal injuries;
- All necessary personnel shall be debriefed, as required;
- Witnesses and suspects shall be interviewed;
- All written reports shall be completed as soon as possible following the incident to include a comprehensive documentation of the basis for and the department's response to the incident.

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Tigard Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Tigard Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Tigard Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.3.1 FAMILY AND FRIENDS OF LEP INDIVIDUAL

While family and friends of an LEP individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

368.3.2 POSTING OF AVAILABLE SERVICES

Forms printed in available languages should be maintained in a conspicuous location at the front counter and other appropriate areas such as the booking area. When such forms are either

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unavaialble or inappropriate, the Department will post a conspicuous notice that LEP services may be available.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Tigard Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

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368.7.1 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

368.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.

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- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Tigard Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language

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is known and a qualified bilingual member is available in WCCCA, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

368.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.13.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

368.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

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368.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the Tigard Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Tigard Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Tigard Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Tigard Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.14.1 INTERPRETER REQUIRED IN ARRESTS
An officer who arrests a person who is deaf, has a physical hearing impairment or physical speaking impairment shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

370.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Illegal Campers Notification & Enforcement

371.1 PURPOSE AND SCOPE

It is the policy of the Tigard Police Department to assure the fair and courteous treatment of all people when handling illegal campers and campsites, as defined by Tigard Municipal Code 7.80.020. Officers will not conduct sweeps unless the camp in question is the source of illegal activities, **a complaint is received from the property owner requesting removal**, or there exists health and sanitary concerns that make the immediate clean up of the camp a necessity.

371.2 DEFINITION

Sweep: An action taken by the City to close an illegal campsite by removing shelters, persons, and/or personal property.

371.3 PROCEDURE

Officers will consider weather, the availability of shelters, and the capabilities of referral services before conducting camp sweeps.

Members of the Department will post a 24-hour notice in both English and Spanish before conducting a sweep. If possible, persons residing in the camp will be notified verbally as well. At the time that the 24-hour notice is posted, the Department member shall inform the local agency that delivers social services to homeless individuals where the notice has been posted. (Community Action Center, 503-443-6084)

Illegal Campground Notices can be obtained from the Records Section.

371.3.1 24 HOUR NOTICE EXCEPTION

There is no requirement for a 24-hour notice on private property. However, absent a specific request for immediate removal, officers should give a 24-hour notice.

If there are reasonable grounds to believe that illegal activities are occurring, such as drug use, dealing or prostitution, with the approval of the Watch Commander a 24 hour notice is not necessary.

When an emergency exists, such as contamination by hazardous materials or an immediate threat to human life or safety, the Operations Division Commander may waive the 24-hour notice. When a sweep has been conducted without the 24-hour notice, the appropriate social service shall be notified.

371.4 PERSONAL PROPERTY

Personal property (any item that is reasonably recognized as belonging to a person that has apparent use and is not in an unsanitary condition) will be stored for at least 30 days. Any item that has no apparent utility or is in unsanitary condition may be immediately discarded after removal of the individuals from the camping site.

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Property taken is to be sealed in a plastic bag with a tag identifying the location of the camp. Property too large to be bagged will be tagged appropriately.

All other property defined in (ORS 203.079(1)(d) refer to "weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime") will be handled in accordance with Policy#804 Property Procedures.

371.5 ADDITIONAL CONSIDERATIONS

Supervisors are responsible for ensuring that all personnel participating in the sweep have proper safety equipment.

Officers shall attempt to make arrangements for personnel from the local social services office to accompany them when making any camp sweep.

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Stalking

376.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (Oregon Revised Statutes 163.730 to 163.755).

376.1.1 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Tigard Police Department to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney's Office.

376.2 UNIFORM STALKING COMPLAINT

Persons wishing to file a stalking complaint will be provided a Uniform Stalking Complaint Form. Officers will assist petitioners in completing the form and will sign the form in addition to the petitioner.

Upon receipt of a Uniform Stalking Complaint, officers will complete a thorough investigation and submit an incident report to the District Attorney's office regardless of whether any civil or criminal action was taken. Officers should also review the case to determine if there is probable cause to arrest for ORS 163.732 at the time of the investigation and act accordingly. Regardless, the report must be submitted to the District Attorney's Office within three days (Oregon Revised Statutes 163.738(7).

376.3 UNIFORM STALKING CITATION

The bottom half of the Uniform Stalking Complaint is a Uniform Stalking Citation. The citation is a civil summons for the respondent to appear at a hearing to determine if a Stalking Protective Order will be issued against the respondent. Officers will complete and attempt to serve a Uniform Stalking Citation, with a court date set for three judicial days (business days excluding holidays) from the date the citation was served, at 9:00 a.m., Room 120J in the Washington County Courthouse, on the respondent in every case where:

(a) The officer has received a completed Uniform Stalking Complaint, and

(b) The officer has probable cause to believe that the elements of Oregon Revised Statutes 163.735 are present - the elements for the issuance of the civil order are the same as for 163.732 except it includes the reckless mental state-as is explained in the applicable ORS.

376.3.1 SERVICE OF STALKING CITATIONS

(a) If the citation is served, the officer is required to advise the respondent of the court date and time and location of appearance. Officers should advise the respondent of the following:

1. Engaging in behavior that alarms or coerces the petitioner may result in their arrest; and

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2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation; and
3. If they fail to appear at the hearing a warrant will be issued for their arrest, as well as a Stalking Protective Order.

(b) If a Uniform Stalking Citation is issued, attach the top three copies to the case report. Provide the pink copy to the petitioner and goldenrod copy to the respondent. The original copy MUST make it to the calendaring office at the Washington County Courthouse more than 24 hours before the scheduled hearing in order for the hearing to get on the court docket.

(c) If there is probable cause to issue a citation, but the citation is not served, officers should document attempts to serve the respondent and forward their reports of the investigation to the District Attorney's Office.

(d) If the citation is served on the respondent, the District Court DA's will initiate the hearing process. The District Attorney's Office is not involved in this aspect of the case as it's a civil matter, but will review the reports to determine if criminal charges will be filed.

(e) If the citation is served on the respondent, the petitioner should be advised that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued. It is the policy of the Department to allow officers, when necessary and with approval from their supervisor, to attend these civil hearings even without the issuance of a subpoena in order to assist the victim by explaining those aspects of the investigation not known by the victim at the time of the hearing.

376.4 ARREST

Officers may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive.

376.4.1 STALKING PROTECTIVE ORDERS

Once the court issues a Stalking Protective Order and it is served on the Respondent, officers may arrest the respondent for violating the terms of the order (Oregon Revised Statutes 163.750). However, if the crime being investigated is a violation of an existing civil stalking order and the officer has probable cause that the suspect violated the order, the arrest is mandatory pursuant to ORS 133.31(3)(a).

376.5 RESTRAINING ORDERS

Court stalking orders and restraining orders are different and are not mutually exclusive. Stalking reports may be appropriate even if a valid restraining order is in place.

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Board Up Service

377.1 PURPOSE AND SCOPE

The purpose of this policy is to inform all members of the Police Department of the resources available to board up broken windows, doors, or buildings that need to be secured when no emergency party can be contacted.

377.2 PROCEDURE

In all cases, the homeowner or business owner should be contacted first for board up service authorization. If contact efforts have been unsuccessful, a TPD supervisor may make the final service request.

Horizon Restoration

7235 Southwest Bonita Rd.

Portland, OR 97224

Available: 24/7

Phone: **503-364-8818**

Speedy Glass

1804 NE Broadway Ave.

Portland, OR 97232-1430

0800-1730 Monday - Friday

0900-1300 Saturday

Business hours phone: **503-288-5966**

After hours phone: **503-288-5964**

Tigard Glass

P.O. Box 758

Lake Oswego, OR 97034

0800-1800 Monday - Friday

Business hours phone: **503-638-9755**

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Chaplains

378.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Tigard Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

378.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry. The Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

378.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

378.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.

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(e) Membership in good standing with the International Conference of Police Chaplains (ICPC) within one year of appointment.

(f) Possess a valid Oregon Driver License.

378.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Tigard Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Tigard Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

378.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating, when requested, in funerals of active or retired members of the Department.

(e) Assisting sworn personnel in the diffusion of a conflict or incident when requested.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the Department's mission.

(g) Being on call and if at all possible, on duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

(h) Counseling with officers and other personnel with personal problems when requested.

(i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Department.

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(k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.

(l) Providing liaison with various religious leaders of the community.

(m) Assisting public safety personnel and the community in any other function of the clergy profession as requested.

(n) Participating in in-service training classes.

(o) Willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or ministers of other various denominations.

(q) Making referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that was provided while functioning as a chaplain for the Tigard Police Department.

378.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the Department may work or volunteer for the Tigard Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Tigard Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

378.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or his/her designee.

(b) The Chief of Police shall make all appointments to the Chaplain Program.

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378.9 OPERATIONAL GUIDELINES

(a) The chaplain will be scheduled to be on-call at all times and will make arrangements for coverage whenever he/she is not available.

(b) The chaplain will serve with Tigard Police Department personnel a minimum of ten hours per month.

(c) The chaplain shall be permitted to ride with officers during any shift and observe Tigard Police Department operations, provided the Patrol Lieutenant has been notified and has approved the activity.

(d) The chaplain shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

(e) In responding to incidents, the chaplain shall never function as an officer.

(f) When responding to in-progress calls for service, the chaplain may be required to stand-by in a secure area until the situation has been deemed safe.

(g) The chaplain shall serve only within the jurisdiction of the Tigard Police Department unless otherwise authorized by the Chief of Police or his designee.

(h) The chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and the chaplain will exercise appropriate security measures to prevent distribution of the information.

378.9.1 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the Chaplain. This uniform may be similar to that worn by the personnel of this department.

378.10 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Officer.

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Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Tigard Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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380.5 TRAINING

The Training Coordinator is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Tigard Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

382.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include a dog or other animal designated by administrative rule that is individually trained to do work or perform tasks for the benefit of an individual (OAR 839-006-0345).

382.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Tigard Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Off-Duty Law Enforcement Actions

388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Tigard Police Department with respect to taking law enforcement action while off-duty.

388.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

388.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

388.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Tigard Police Department officer until acknowledged. Official identification should also be displayed.

388.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

388.4.3 CIVILIANNONSWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

388.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

388.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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EMERGENCY PROCEDURES FOR RADIO/MDC MALFUNCTION

389.1 PURPOSE AND SCOPE

If radio communications are disabled for any reason (i.e. equipment failure or an incident which causes WCCCA to be evacuated) the following will remain in effect until WCCCA is able to correct the problem, return to their building or until police supervisors are informed by WCCCA supervisor that alternate procedures should be followed. In the event of a partial radio system failure in which but not all of the primary talk groups are inoperable, members will move to an operable primary talk group, check in, and wait for instructions.

389.1.1 MEMBER RESPONSIBILITIES

(a) Ascertain whether the problem is with the radio or the system.

(b) If the problem is a system problem:

1. Break contact with the public as soon as possible.
2. Return to the PO or go to the nearest police facility (if our of jurisdiction) or firehouse and contact his/her supervisor or records clerk.
3. Remain at or return to standby location as directed.

389.1.2 SUPERVISOR RESPONSIBILITIES

(a) Ascertain the nature of the malfunction from WCCCA.

(b) Initiate command notifications.

(c) Order units to disengage from public contact, if possible, and limit discretionary traffic stops.

(d) Instruct units to return to the PO or standby at the nearest police facility or fire station.

(e) Conduct a roll call as soon as possible and locate missing units.

(f) Dispatch units on Priority 1 and 2 calls only with at least one cover unit, unless the primary unit is a two member unit.

(g) Dispatch at least four units on Code 0 calls.

(h) Instruct units to return to standby location after their call.

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Native American Graves Protection and Repatriation

390.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

390.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

390.2 POLICY

It is the policy of the Tigard Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

390.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe and the Commission on Indian Services (ORS 97.745)
- Tribal land - Responsible Indian tribal official

390.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Tigard, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Calls for service, both routine and emergency in nature

(c) Investigation of both criminal and non-criminal acts

(d) The apprehension of criminal offenders

(e) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(f) The sharing of information between the Patrol and other divisions within the department, as well as other governmental agencies both inside and outside of the City of Tigard.

(g) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(h) Traffic direction and control

(i) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

400.1.2 TERRORISM

It is the goal of the Tigard Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Criminal Investigation Unit Supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intradepartmental cooperation and information flow between the various divisions of the Tigard Police Department.

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400.2.1 INCIDENT REPORTS
An incident report may be completed by any patrol officer who receives criminal or other reportable information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol [briefing]s as time permits.

400.2.3 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the department. These will include, but not be limited to, the patrol district activity clipboards, the warrants clipboard, the written directive clipboard, and the briefing room clipboards. A copy of the Special Order will be placed on the briefing room clipboard. New Special Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings.

400.2.4 BULLETIN BOARDS
A bulletin board will be kept in the briefing room and the Criminal Investigation Section for display of suspect information, intelligence reports and photographs. New Special Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of any new Special Order will be placed on the briefing room clipboard.

400.2.6 PROBLEM SOLVING PROJECTS
Patrol officers assigned to Community Policing or problem solving projects are expected to communicate with their counterparts on other shifts to ensure efficient, coordinated and consistent handling of the problem.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Racial- or Bias-Based Profiling

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Tigard Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

402.1.1 DEFINITION

Definitions related to this policy include:

Law Enforcement Contacts and Data Review Committee - A legislatively created group by HB 2002-B that establishes Statewide policies for receiving and forwarding complaints alleging profiling.

Racial- or bias-based profiling (As referenced in HB 2002-B) - Means that a law enforcement agency or a law enforcement officer targets an individual for suspicion of violating a provision of law based solely on the real or perceived factor of the individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the agency or officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.

402.2 POLICY

The Tigard Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

The department will investigate all complaints alleging racial or bias-based profiling that are received by any means, whether or not they are made in person, in writing signed by the complainant and delivered by hand, postal mail, facsimile or electronic mail, by telephone, anonymously or by third party.

Per HB 2002-B, this department will intake all such complaints and investigate them if the allegations are within 90 days after the alleged commission of profiling.

Race, age, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other

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legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 ADMINISTRATION

The department will comply with all procedural requirements and reporting as specified in HB 2002-B with respect to Racial- and Bias-Based Profiling. The Confidential Executive Assistant will serve as the distribution and intake point of contact between the State of Oregon Law Enforcement Contacts and Data Review Committee and the department to comply with section 3 of HB 2002-

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B. All allegations received by the department will be otherwise handled per the department policy on Personnel Complaints (Policy 1020).

Each year, the Services Division Lieutenant shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Coordinator.

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Briefing Training

404.1 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 Special Order or changes in Special Order

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting 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 absence or for training purposes.

404.3 INFORMATION SHARING

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

404.4 BRIEFING TRAINING

It is the responsibility of the Watch Commanders to ensure training topics are presented regularly during briefings on their watch. A schedule of topics and materials necessary to present the topic will be provided by the training officer at the beginning of each month.

404.5 RETENTION OF BRIEFING TRAINING RECORDS

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

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident generally is responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene the officer shall continue until relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Ensure that no suspects are still within the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Secure the inner perimeter with crime scene tape.

(e) Protect items of apparent evidentiary value.

(f) Start a chronological log, noting critical times and personnel allowed access.

406.2.2 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

406.2.3 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease.

406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

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406.3.1 AUTHORITY TO SEARCH

In order to search, officers must have probable cause to believe that a crime has occurred and evidence of the crime will be found at the location. Absent consent, a search warrant is generally required to authorize continued search once a scene is stabilized.

406.3.2 CONSENT

Any person who has an expectation of privacy has standing to object to a search. That may include anyone with a property interest in the location, as well as any resident, tenant, or guest, depending on the circumstances. It may not be possible to identify everyone with standing to object, and from whom consent must be obtained, at the early stages of the investigation. Officers should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

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Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Tigard Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 16 years
- Immediate family members of employees over the age of 10 years old may ride 10 hours per month with their parent or spouse, with the approval of the on-duty supervisor
- Prior criminal history, including all felony and/or some misdemeanor offenses
- Pending criminal action
- Pending lawsuit against the department
- Denial by any supervisor

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be received by a shift supervisor. The participant will complete a Ride-Along Release-Adult form. Required information will include a valid ID or Oregon driver's license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Release-Under 18 Form.

The shift supervisor will ensure eligibility of the rider and then will schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadet Program Policy.

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410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. The off duty officers will not wear a uniform and only officers with DPSST certification will be allowed to carry a firearm during the ride along.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check will include a local records check, and inquiries to the National Crime Information Center (NCIC), Computerized Criminal History (CCH), and a Department of Motor Vehicles (DMV) records checks via the Law Enforcement Data System (LEDS) prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Tigard Police Department). The printed inquiry responses will be attached to the request and forwarded to the on-duty Watch Commander who will approve or disapprove the ride-along and schedule the appointment.

410.3 OFFICERS RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

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(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See Oregon Revised Statutes 453.005(7) for a complete list.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting).

(b) Notify Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of immediate area and surrounding areas dependent on substance and the recommendation of trained Fire Department staff.

412.2.1 HAZARDOUS MATERIAL - CONVENTIAL THREAT

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a chemcial spill, traffic accident, or a building fire releasing noxious gasses. When employees come into contact with a known hazardous material, certain steps should be taken to protect themselves and citizens. The following steps should be considered at any scene involving suspected hazardous materials: chemical spill, traffic accident, or a building fire releasing noxious gasses.

(a) Attempt to identify the type of hazardous substance. Identification can be determined by placard driver's manifest, or statements from person(s) transporting or storing. This should be done from a safe location or vantage point.

(b) Notify Fire Department.

(c) Provide first aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of immediate area and surrounding areas dependent on substance and the recommendation of trained Fire Department staff. Establish a buffer zone (perimeter) based on available information. The buffer zone is subject to change and requires open

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communication between responding police and fire units. This should be coordinated through an established joint command center.

(e) If called for, begin evacuation of the immediate area and surrounding areas. The scope of this evacuation (or to have an evacuation at all) should be dictated by the joint command center.

(f) Emergency responders that do not have the proper personal protective equipment (PPE), and the training to use such equipment, should not approach any nearer than the established safe zone.

(g) Contact the Oregon Department of Transportation (ODOT) if road closures will be prolonged and to report any hazardous conditions.

(h) Maintain traffic control as needed and keep area clear for emergency responders.

412.2.2 HAZARDOUS MATERIAL - POSSIBLE TERRORIST OR BIOLOGICAL THREAT

Employees may encounter situations involving unknown threats or the intentional use of hazardous material to cause death, injury, or spread fear. In these situations, Tigard Police Officers should first seek to protect the public from further harm and then to investigate any criminal acts. This will involve the coordination of specialized resources and the likely activation of the National Incident Management System (NIMS), and Incident Command System (ICS). If improvised explosive devices (IED) have been used, or are suspected, see Policy 416 Response to Bomb Calls. Contact the Explosive Ordinance Disposal (EOD) team and provide detailed information:

(a) Notify the fire department and request any special resources such as the hazmat team.

(b) Establish a joint command post that is safe from possible contamination or blast radius. This is subject to change as information is gathered and threats are understood.

(c) Do not touch, move, or open any suspicious package.

(d) Initial hazard risk assessment should be performed by appropriate resources: i.e. hazmat or EOD.

(e) Establish a buffer zone (perimeter) based on available information. The buffer zone is also subject to change and requires open communication between responding police and additional resources.

(f) If called for, begin evacuation of the immediate area and surrounding areas. The scope of this evacuation (or to have an evacuation at all) should be dictated by the joint command center.

(g) Be mindful that secondary IED's or exposure points will exist in cases of a terrorist event. These will typically be placed in areas to affect the greatest number of people, or in an anticipated location to disrupt first responders and evacuees.

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(h) If called for, notify the Federal Bureau of Investigations (FBI) Weapons of Mass Destruction (WMD) unit. If the FBI threat credibility assessment process deems the threat to be credible, the FBI will immediately notify the Centers for Disease Control (CDC); the Department of Homeland Security Operations Center (HSOC); and other appropriate federal agencies.

(i) Emergency responders that do not have the proper personal protective equipment (PPE), and the training to use such equipment, should not approach any nearer than the established safe zone.

(j) Any criminal investigations should be coordinated through the joint command center and will most likely involve state and federal resources.

(k) The Tigard Police Department does not have the proper facilities to store evidence that is suspected (or known) to be a hazardous material.

(l) Under no circumstances should an unprotected responder, such as a law enforcement officer, attempt to package an unknown substance.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee on a City of Tigard Exposure Report and the report shall be forwarded via chain of command to the City's Risk Manager. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the documentation.

In case of injury, or suspected injury, the employee or supervisor shall also ensure that an Incident Injury Report is completed and submitted to Risk Management.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure. In cases of a needle stick, or possible exposure to bodily fluids, the employee's supervisor should call the exposure hotline and seek guidance from medical authority @ 503-721-0529. The supervisor shall also ensure that the required forms are completed and forwarded to Risk Managment.

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met

Sniper - A person(s) usually concealed, shooting or treatening to shoot others with a deadly weapon

Active Shooter - An individual or group actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearm(s) and there is no pattern or method to their selection of victims

414.1.2 POLICY

It is the policy of the Tigard Police Department to address hostage and barricade incidents with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

Communications/negotiations should begin as soon as possible. The officer establishing communication with the suspect(s) will become the negotiator, and will remain in that position until

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relieved by a superior officer. Communications may be established through the use of telephone, loudspeaker, or other means.

1. The objectives of negotiations are:

- Protect the lives of the hostages
- Protect the lives of bystanders
- Protect the lives of police
- Protect the lives of the suspect(s)
- Release of the hostages
- Arrest of the suspect(s)

2. The following are non-negotiable items:

- Weapons of any kind
- Exchanges of hostages
- Release of imprisoned persons

3. Items such as food and water may be negotiated.

4. The following may be negotiated if a significant tactical advantage may be gained. These items must be approved by the person in charge before delivery:

- A supply of drugs
- A supply of alcohol

414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the highest ranking member on the scene of an actual or potential hostage/barricade situation who assumes control is the on-scene supervisor and has the authority and responsibility for all police actions until relieved by the Incident Commander. The on-scene supervisor shall consider the following:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.

(b) Determine the type and scope of the incident.

(c) Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, TNT, etc.

(d) Broadcast safe routes and areas to avoid for responding units.

(e) Establishment of inner and outer perimeters and designate a scribe to track locations of all perimeter positions.

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(f) Evacuation of bystanders and injured persons, when necessary and practicable, consider shelter in place before a risky evacuation.

(g) Request for ambulance, rescue, fire and surveillance equipment to stage.

(h) Pursuit/surveillance vehicles and control of travel routes.

(i) Determine:

1. Exact location
2. Number of hostages
3. Number of suspects
4. If weapons are involved
5. If any injuries have occurred

(j) Request WCCCA to clear the radio channel, rebroadcast pertinent information on all relevant talk groups and notify adjacent agencies when the incident could create an officer safety situation.

414.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has probable cause to believe that a hostage is being held may order a telephone company to cut, reroute or divert telephone lines to prevent a suspect from communicating with anyone other than officers or other designated individuals (ORS 165.549).

414.4 INCIDENT COMMANDER'S RESPONSIBILITY

The containment process is a critical element to control the situation until arrival of trained tactical and/or hostage negotiation personnel. No attempts should be made by operations personnel to initiate an offensive operation against the suspect unless extreme circumstances demand it.

The on-duty supervisor is to be advised of the situation immediately, respond to the scene, and assume the duties of Incident Commander until relieved by a superior officer.

Responsibilities will include:

(a) Confirm and direct the establishment of central command post, out of sight and weapon range, and appropriate chain of command.

(b) Notify WCCCA and all personnel via radio that he/she is the Incident Commander and the location of the command post.

(c) Direct the establishment of an arrest team.

(d) Notification of tactical and hostage negotiation personnel (TNT).

(e) Determine safe route and areas/routes to avoid.

(f) Confirm request for fire and rescue personnel to stage.

(g) Arrange for additional equipment (i.e. surveillance, special weapons, communication, etc.).

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(h) Request any additional on-duty help needed from adjacent jurisdictions.

(i) Treat all people coming out of the location as suspects until their identity and participation in the incident can be determined.

(j) Authorization for news media access and news media policy. Provide a safe staging area, central location, outside of perimeter and assign officer to monitor media.

The Incident Commander or his/her designee shall establish as soon as practical:

- an inner perimeter to contain and minimize the movement of the suspect(s)
- an outer perimeter to prevent unauthorized persons and vehicles from entering the area of operations
- a command post within the outer perimeter, but not within view of the threat; define chain of command for the incident
- a designated staging area for responders to the incident scene (such as outside agencies, TNT or negotiators within outer perimeter
- Video documentation of the incident
- a transportation area for the movement of evacuated persons and/or a staging area for medical/fire personnel and equipment within the outer perimeter, but safe from weapon penetration
- a media area outside the outer perimeter for authorized press personnel with proper credentials
- Be aware of media aircraft and the broadcasting of police tactical positions
- As soon as practical, the Incident Commander or his/her designee should assess call load and obtain the necessary mutual aid or consider call out of off-duty personnel to handle routine police calls.
- Consider limiting call response to Priority 1 calls for the duration of the incident.
- Consider an extended duration of the event in planning for relief of fixed posts, meal breaks and etc.

414.4.2 EVACUATION

The evacuation process should be accomplished during the establishment of the outer perimeter. The extent of the evacuation will be determined by the Incident Commander. Persons within range of immediate danger will be evacuated as soon as possible. Evacuation is voluntary and cannot be ordered.

The process includes:

(a) The Incident Commander will designate an available person as the coordinator for all evacuation activities.

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(b) The Evacuation Coordinator should evacuate injured persons in the danger zone first. A rescue team may be necessary, if the injured are within site of the threat, or if the suspect begins to harm hostages. A rescue team should consist of TNT members if they are available.

(c) Evacuees will be directed to the transportation area. Emergency shelter will be arranged for evacuees who have no alternative shelter. Emergency shelter can be, but is not limited to, the senior center, city hall council chambers, public works auditorium, school gymnasium, or community churches.

(d) The evacuation coordinator will record the address of every building evacuated, will clearly mark each building with police tape, and try to ensure that doors are left unlocked to avoid damage by TNT members clearing the area.

414.5 WASHINGTON COUNTY TACTICAL NEGOTIATIONS TEAM (TNT)

If the situation dictates, the Incident Commander shall request the help of the Washington County Tactical Negotiations Team (TNT). It will be the Incident Commander's decision, with input from the TNT Team Leader, whether to deploy the TNT during a hostage or barricade incident. The Tigard Police Department Risk Analysis Form provided by TNT shall be completed to assist in the decision to call out the TNT team in any situation involving a barricaded hostage or felon with a weapon or threat to use a weapon.

The Incident Commander will notify WCCCA to call out TNT, and retains full responsibility for the control of the scene and those present until relieved by a superior of the Tigard Police Department.

The Incident Commander will designate someone to complete the TNT Intelligence Questionnaire to provide to the TNT at the Command Post during the briefing upon the team leader's arrival.

The following will be notified as soon as possible after the call out:

- Division Commander
- Chief of Police
- Assistant Chief of Police
- City Manager
- Public Information Officer

Personnel are authorized to use force in accordance with the department's use of force policies in situations where an immediate response is necessary to protect officers or other persons. The decision to execute a planned tactical response rests with the supervisor in charge.

The hostage negotiators/TNT commander will recommend to the person in charge the most effective method of communication/tactical response. The person in charge shall retain the responsibility for activating or deactivating the Negotiating Team/Tactical Team. The TNT Commander will take appropriate action within its capabilities and will be responsible for the deployment of chemical agents. The person in charge will be advised of the imminent use of

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chemical agents or any tactical response outside the standard rules of engagement prior to initiating any action.

Additional personnel may be requested via mutual aid requests and/or by calling in off-duty Tigard officers.

A team of officers may be designated by the Incident Commander to survey possible escape routes and pursue the suspect(s) if he/she escapes.

An After Action Review will be completed when all reports have been submitted. The After Action Report will be routed through the Division Commander to the Inspections Officer.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

This procedure provides guidelines to assist officers in their initial response toincidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.1.1 BOMB THREATS

Upon receipt of a bomb threat call, the assigned officers shall respond. The on duty supervisor will be immediately notified, and will respond to the scene.

(a) Responding Officer's Responsibilities:

1. The responding officer shall request the following from dispatch:
    - (a) The location of the device, with as much precision as possible.
    - (b) If the device has been detonated or time scheduled to detonate.
    - (c) The type of explosive device involved.
    - (d) What the device looks or looked like.
    - (e) The type of detonation mechanism (i.e. radio signal, time delay fuse).
    - (f) Why the device was placed.
    - (g) The Exact wording of the threat.
    - (h) The nature and/or character of the callers voice, including any perceived accent and/or speech impediments.
    - (i) The nature of any background noises.
    - (j) Any other information concerning the nature of the threat and/or the identity of the perpetrator.
2. If no explosive device has been identified, alert employees and others to look for any unusual parcels or items on the premises.
    - (a) Arrange for the dispatch the necessary patrol units and emergency personnel.
    - (b) Notify the watch commander as soon as possible.
    - (c) Based on the nature of the threat, the officer in charge will, as required alert:
        1. The Explosive Disposal Unit (EDU).
        2. Fire and rescue units.
        3. Hazmat units.

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4. The designated command officer.
5. The Public Information Officer.

3. Responding patrol units shall use only land line telephones for communications within 100 feet of the location in question. Radio's, MDT's and cellular phones will not be used within 100 feet of the suspected location. Some explosive devices may be detonated by stronger radio signals.
4. Establish, secure and maintain a suitable perimeter.

(b) If applicable, contact the individual who received the threat to obtain additional information to include:

1. Whether or not previous threats have been received .
2. Nature of motives, possible motives and/or suspects.
3. Vulnerabilities of equipment and personnel, including on-scene hazardous materials.

416.1.2 SEARCHING FOR EXPLOSIVE DEVICES

(a) If an explosive device is alleged to be within a building but has not been located, the OIC (officer in charge) will contact the building owner/management or other responsible persons to determine if a search of the facility is desired.

1. The decision to search, evacuate or re-enter a structure/location during a bomb threat will be the responsibility of the individual in charge of the property.
2. The OIC at the scene shall provide information as available to the responsible parties in order to assist them in making decisions on searching, evacuating or re-entering.
3. If management or the responsible agent does not desire a search to be conducted, no further action of this agency is warranted with the exception of standardized agency reporting requirements.
4. Only in cases where a real or suspected explosive device has been detected shall an evacuation be conducted regardless of the desires of the building management.
5. Searches of target buildings shall be conducted only with the direct assistance of employees or others knowledgeable about the contents and layout of the building.
6. The OIC may request the assistance of a bomb detection canine and/or bomb disposal personnel in order to assist in conducting the search.
7. A search plan shall be developed identifying the extent of the search and should be based upon factors including but not limited to:
   (a) The type of establishment to be searched.
   (b) The motivation of the perpetrator.

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(c) The accessibility of the site.

8. A floor plan of the building should be obtained whenever possible, and a systematic search organized by the OIC.

(b) In no case shall department personnel declare that no bomb is present or in any way make the representation that the building is safe to occupy, no matter how thorough the search.

(c) When conducting a search without the assistance of bomb disposal personnel, officers should be particularly alert to the following items as indicators that there may be explosives at the location:

(a) Explosives related pamphlets, periodicals and books.

(b) Excessive amounts of galvanized or PVC pipe nipples and end caps, especially if they have drill holes in the nipple or cap.

(c) Low-explosive powders or other incendiary mixtures.

(d) Fuses of any type to include homemade burning fuses, such as string soaked in a burning powder.

(e) Electrical switches and/or electrical matches, blasting caps or similar initiators.

(f) **Officers should be cautioned that the absence of these items does not assure that there is no bomb present.**

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) Secure the perimeter and evacuate bystanders for a minimum of three hundred feet allowing for an entrance for support personnel.

(c) Relay as much initial information as possible to the Patrol Lieutenant without touching the device, including:

1. The stated threat
2. How made
3. Exact comments
4. Time
5. Location
6. Full description (e.g., size, shape, markings) of the device in question

(d) Do not touch or transport the device to any other location.

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(e) Do not transmit on any equipment that produces radio frequency energy (this includes two-way radios MDCs, and cell phones) within 300 feet. Consideration should be given to the possibility for evacuation if a device is located within a building.

(f) Consideration for support personnel such as paramedics and Fire Department personnel.

(g) A search of the area should be conducted for secondary devices or other objects foreign to the area.

(h) Found explosive or military ordnance of any type should be handled only by certified Explosives Disposal Unit.

(i) When in doubt, call for assistance from the Portland Police EDU or Oregon State Police Explosives Disposal Unit.

416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate actions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Emergency Medical assistance

(c) Explosive Disposal Unit

(d) Additional officers

(e) Field supervisor

(f) Patrol Lieutenant

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(g) Detectives

(h) Forensic Science Services

(i) Federal Agents (FBI and BATF through dispatch)

416.3.2 CROWD CONTROL
Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

416.3.3 SCENE OF INCIDENT
As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure shall be followed should a bomb threat call be received at the police facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE
The following questions should be asked if a bomb threat call is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

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416.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details. The Watch Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

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Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

418.2 POLICY

It is the policy of the Tigard Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 AUTHORITY

An officer may take a person into custody when the officer has probable cause to believe the person is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness (ORS 426.228(1)).

An officer shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the officer to deliver to the treating licensed independent practitioner (ORS 426.228(2)).

The officer shall transport the person in custody to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3).

If, upon delivery of the person to the facility, the licensed independent practitioner finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

418.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for a civil commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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418.3.2 EXTREMELY DANGEROUS PERSONS

An officer may take into custody an individual on conditional release from a state hospital pursuant to an order of revocation. The written order does not have to be in the possession of the officer, and may be confirmed through the Law Enforcement Data System (LEDS) (OAR 859-200-0310).

A person may be taken into custody if all of the following conditions apply (OAR 859-200-0305):

(a) An officer has reasonable cause to believe the individual is an extremely dangerous person with a mental illness (as defined by OAR 859-200-0020)

(b) The person presents a serious danger to others because of a mental disorder

(c) The person is in need of immediate care, custody or treatment

(d) The person has been civilly committed to the jurisdiction of the Psychiatric Security Review Board by a court

The officer shall transport the individual to a state hospital operated by the Oregon Health Authority (OAR 859-200-0310).

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions (e.g., information from LEDS).

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

418.4.1 FOREIGN NATIONALS

If an officer takes a person into custody for a civil commitment and reasonably suspects that the person is a foreign national, the officer shall inform the person of his/her right to communicate with an official from the consulate of the person's country (ORS 426.228(9)).

418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have WCCCA notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

418.5.1 CLEARANCE REQUIRED

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting officer must obtain, if possible, medical clearance from a licensed independent practitioner who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health (ORS 426.228(3)).

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.7.1 REQUIREMENTS

Officers shall use OHA form MHD 426.228 or otherwise ensure that the report states (ORS 426.228):

(a) The reason for custody.

(b) The date, time and place the person was taken into custody.

(c) The name and telephone number of the community mental health director.

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

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When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

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Citation Releases

420.1 PURPOSE AND SCOPE

Pursuant to Oregon Revised Statutes 133.055, officers may issue a criminal citation to a person if the officer has probable cause to believe that the person has committed a misdemeanor or has committed a felony that is subject to misdemeanor treatment under Oregon Revised Statutes 161.705.

420.2 STATUTORY REQUIREMENTS

Officers will cite offenders into the court before which they would appear if arrested. The citation to appear (CTA) must specify the time, date and court of appearance, and the court date shall not be later than 30 days after the citation was issued (Oregon Revised Statutes 133.055 and 133.060).

420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, Tigard Police Officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will generally be made outside the boundaries of the city only in cases of hot and/or fresh pursuit, or while following up on crimes committed within the city or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should consider contacting the agency having primary jurisdiction, when circumstances permit, before attempting an apprehension. This consideration should include the officer evaluating potential cover needs, correct radio frequency for the area they are in so the jurisdictional agency is aware, and the necessity to take direct action.

Officers observing criminal activity while off duty are not expected to make arrests or take action if such action would place them in danger of being harmed. It is recommended that the officer be the best witness possible as circumstance allows. If an officer feels there is a need to take action, the officer should affect an arrest only when an imminent risk to life exists, and a reasonable opportunity does not exist to contact the police agency with the primary jurisdiction. In such situations, the involved officer shall clearly identify him or herself as a police officer.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officers shall clearly identify him/herself as a peace officer.

420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

420.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations to a person upon probable cause to believe that the person has committed a misdemeanor or has committed a felony subject to misdemeanor

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treatment under ORS 161.705, unless there is a disqualifying reason making the person ineligible for citation (ORS 133.055).

420.3.2 FINGERPRINTS AND PHOTOGRAPHS
In certain cases, it may appropriate to fingerprint and photograph persons prior to citing and releasing them. Field photographing and/or securing a thumb print on a CTA will suffice in these cases when physical custody is not otherwise recommended as in 420.33.

420.3.3 DISQUALIFYING CIRCUMSTANCES
In certain circumstances, cite and release may not be appropriate. Those situations include:

(a) Oregon Revised Statutes 133.055 specifically exempts persons arrested for assault or menacing at the scene of a domestic violence complaint. Those persons must be physically taken into custody and shall be transported and lodged at the jail

(b) The person has outstanding warrants for his or her arrest

(c) The person cannot satisfactorily identify themselves. Officers must exercise discretion when a violator cannot or will not provide satisfactory identification. If a criminal citation is issued, the officer should identify the suspect to within a reasonable certainty. Also, the officer should, to the extent possible, obtain information for execution of an arrest warrant should the violator ultimately fail to appear for arraignment.

(d) The investigation or prosecution of the offense or offenses for which the person was arrested, or the investigation or prosecution of any other offense or offenses, would be jeopardized by the immediate release of the person arrested

(e) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested

(f) The person has indicated they will not appear or there is other reason to believe that the person would not appear at the time and place specified in the citation. The basis for this determination shall be specifically stated such as:

    1. Previous history of failure to appear is on record

    2. the person lacks ties to the area, such as a residence, job, or family or is a resident of another state

    3. The person initially provided a false name or identification or has previously used false names to avoid prosecution

(g) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. (Release may occur as soon as this condition no longer exists)

(h) Unusual circumstances lead the officer to conclude that the suspect should be held for further investigation

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420.3.4 INSTRUCTIONS TO CITED PERSON

The citing officer shall call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written obligation to appear.

420.4 CITIZEN'S ARREST (WARRANT RELEASE REMOVED FROM POLICY)

In the event of a citizen's arrest, the citizen's responsibility is to surrender the arrestee without delay to a peace officer. The officer must independently review the circumstances surrounding the arrest. Custody of the arrestee should be maintained only after the officer has determined that the arrest is valid. The citizen making the arrest shall inform the arrestee that he/she is under arrest and state the charge. If the arrest is valid and the arrestee is taken into custody, the matter will be processed as would any other arrest report. The report shall state that a citizen initiated the arrest, and set forth the relevant facts and circumstances. The officer shall obtain the arresting citizen's signature on the Custody Report. If the arrest is not accepted because of a question over probable cause, the officer shall release the arrested person immediately, and document the incident in his/her report.

420.5 JUVENILE CITATIONS

When arresting juvenile subjects, officers will follow Tigard Police Policies 324 (Temporary Custody of Juveniles), and 321 (Apprehension and Arrest). In most cases, juveniles are simply referred to the Washington County Juvenile Department for prosecution. The *Tigard Police Custody Report* (with all charges listed) serves as the referral document.

Upon arresting a juvenile, Officers will contact the Washington County Juvenile Department; they will be provided with direction as to if the youth will be lodged; released to a responsible adult; or released upon their own recognizance. Officers should document who they spoke with at the juvenile department and write the custody decision in the body of the custody report. If an officer is able to contact a responsible adult, that adult's name will be recorded on the custody report, along with the time of notification. It is also important that the responsible adult's contact information be recorded on the custody sheet.

The Tigard Police Youth Services Program Specialist (YSPS) may need to contact the responsible adult in order to proceed with a Peer Court option. Those youth that are not lodged will receive a completed *Tigard Police Youth Referral Information form*. This form provides the juvenile offender with detailed information about what a referral is and how it will be handled going forward. Court appearance dates will be determined at a later time and the custody report should reflect a date to be determined (TBD).

These are the only exceptions when a uniform complaint/citation will be issued to a juvenile:

- All traffic violations
- All traffic crimes
- Violations of Washington County codes/ordinances

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- Violations of City of Tigard codes/ordinances

(a) Officers should check the **Municipal Court** box on the uniform complaint/citation when citing a juvenile for any traffic infraction or code/ordinance violation. No criminal traffic cases may be heard in Municipal Court. The citation must include a current Municipal Court appearance date and time.

(b) Officers should check the **Peer Court** box on the uniform complaint/citation when they feel that Peer Court would be a good fit to hear a minor traffic infraction case. No criminal traffic cases may be referred to Peer Court. Court appearance dates will be determined at a later time and the citation should reflect a date to be determined (TBD).

(c) Officers should check the **Circuit Court and Juvenile** box on the uniform complaint/citation when citing a juvenile for any traffic crime. All traffic crimes also require a custody/incident report. The Distrit Attorney's Office does not prosecute juveniles charged with traffic crimes in Juvenile Court, but instead the cases are processed by the misdemeanor unit of the District Attorney's Office. These cases must be cited with a specific date, time and location to appear. They must be cited to appear in Washington County Circuit Court, LEC, 215 SW Adams, Hillsboro, at 8:30 AM. This is the same appearance location and time for adults charged with traffic crimes.

(d) When there are cases where a juvenile is arrested for a traffic crime, and they are also cited for a traffic violation or local code violation, officers should check the **Circuit Court and Juvenile** box on the uniform complaint/citation. This is so that all of the charges stay together and are referred to the same court. They must be cited to appear in Washington County Circuit Court, LEC, 215 SW Adams, Hillsboro, at 8:30 AM. This is the same appearance location and time for adults charged with traffic crimes.

420.6 REQUESTING CASE NUMBERS

Traffic infractions may be issued without case numbers and the necessary information can be documented on the reverse side of the Uniform Traffic Citation. For traffic crimes, local ordinance violations, state misdemeanors and qualified felonies, and all citations subsequent to the service of an arrest warrant, case numbers will be drawn. If the incident involves a citation issued subsequent to the service of a local arrest warrant where a Tigard Police Department case number already exists, that case number shall be used.

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Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the US Department of State Website.

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include Consul General, Consul, and Vice Consul. Consular officers can be prosecuted or arrested unless it was in the course of an official act. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by the Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Oregon license plates with an "honorary consul"

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label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear

(c) The violator shall be provided with the appropriate copy of the notice to appear

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual

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claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions San Francisco, CA (415) 744-2910, Ext.. 22 or 23 (415) 744-2913 FAX (0800-1700 PST)	Diplomatic Security Service 915 Second Avenue, Room 3410 Seattle, WA 98174 (206) 220-7721 (206) 220-7723 FAX
Office of Foreign Missions Diplomatic Motor Vehicle Office Washington D.C. (202) 895-3521 (Driver License Verification) or (202) 895-3532 (Registration Verification) (202) 895-3533 FAX (0815-1700 EST)	Department of State Diplomatic Security Service Command Center Washington D.C. (202) 647-7277 (202) 647-1512 (Available 24 hours) (202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be

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permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Patrol Lieutenant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

Officers may only arrest foreign nationals not claiming diplomatic or consular immunity under the following circumstances:

(a) There is a valid warrant issued for the person's arrest

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(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the United States.

Because undocumented presence is strictly a federal civil violation, it is only enforceable by federal officers therefore officers of this department shall not arrest foreign nationals solely for undocumented presence. Officers shall not stop or detain persons solely for determining immigration status.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact WCCCA as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide WCCCA with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed by the US Department of State as requiring mandatory consular notification, officers shall provide WCCCA with the information above as soon as practical whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of mandatory notification countries and jurisdictions can be found on the US Department of State website.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time WCCCA was notified of the foreign national's arrest/detention and his/her claimed nationality.

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Rapid Response And Deployment Policy

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider the following:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

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(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Tigard Police Department for investigating and enforcing immigration laws.

428.2 POLICY

It is the policy of the Tigard 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 immigration status.

428.3 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 without regard to race, color or national origin in any way that would violate the United States or Oregon Constitutions.

428.4 ENFORCEMENT

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8 of the United States Code dealing with illegal entry. This department does not participate in routine immigration investigation and enforcement activities. However, 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 181.850).

428.4.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of an immigration violation shall not be the sole basis for contact, detention or arrest (ORS 181.850).

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. 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.

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428.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

428.7 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):

(a) Sending information to, or requesting or receiving such information from ICE

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state or local government entity

428.7.1 IMMIGRATION HOLDS

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.

428.8 U VISA AND T VISA NON-IMMIGRANT 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)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

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

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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(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.

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by WCCCA.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by WCCCA.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Tigard contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Oregon.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise WCCCA of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Officers have the responsibility to address any hazard caused by malfunction of any inoperative or malfunctioning signal.

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Carbines

432.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Tigard Police Department will make carbines available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 CARBINES

432.2.1 DEFINITION

A carbine is an authorized weapon which is owned by the department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried on-duty unless pre-approved in writing by the Chief of Police and the department Firearms Coordinator.

432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the department may be used by officers in their law enforcement responsibilities. The authorized carbines issued by the department are the Colt AR-15, H & K MP-5 and UMP.

432.3.1 CARBINE AMMUNITION

The only ammunition authorized for the carbines is that which has been issued by the department.

432.4 CARBINE MAINTENANCE

(a) Primary responsibility for maintenance of carbines shall be the responsibility of the Firearms Coordinator and/or his/her designee. Each officer carrying a carbine may be required to field strip and clean an assigned carbine as needed

(b) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned carbine

(c) Each carbine shall be subject to inspection by a supervisor, the Firearms Coordinator and/or the department Armorers at any time

(d) No modification shall be made to any carbine without prior written authorization from the Firearms Coordinator

432.5 TRAINING

Officers shall not carry or utilize the carbines unless they have successfully completed the department initial operators training. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a designated carbine instructors.

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Any officer who fails to successfully complete department sanctioned training/qualification sessions as specified in Policy 312 (Section 2) will no longer be authorized to carry the carbine until reauthorized by the Firearms Coordinator and/or his designee.

432.6 DEPLOYMENT OF THE CARBINE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

(h) The carbine to officer "ratio" should not exceed 50% during a tactical situation. This provides carbine security during the a rrest process and permits freedom of movement for officers required to perform manual tasks.

432.7 DISCHARGE OF THE CARBINE

The discharge of the carbine shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY

Any qualified officer carrying a carbine in the field shall maintain the weapon in a patrol ready condition until deployed. A carbine is considered patrol ready when it has been inspected by the assigned officer and meets the following conditions:

(a) The chamber is empty

(b) The carbine bolt is forward with the hammer down

(c) There is a fully loaded ammunition feeding devices(s) in the carbine

(d) The dust cover is closed (if one is present)

(e) The carbine is stored in the locked patrol vehicle's rifle rack

(f) The number and type of carbine is recorded on the vehicle inventory sheet

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432.9 CARBINE STORAGE

(a) When not in use, carbines will be stored in the department armory in their designated racks.

(b) At the start of each assigned shift, any qualified, on-duty officer will contact the patrol supervisor for access to the department armory, and shall carry their designated carbine as directed.

(c) At the end of the assigned officer's shift, the carbine will be returned and secured in the department armory.

(d) When not deployed, in-service carbines should be secured in the patrol vehicle's locked gun rack.

432.9.1 TIGARD HIGH SCHOOL CARBINE STORAGE

(a) A carbine will be permanently assigned to Tigard High School when the assigned School Resource Officer (SRO) is a qualified operator.

(b) The carbine assigned will be kept inside a safe that is permanently secured to the building inside the SRO office at Tigard High School. The office will always be locked when it is not occupied. The SRO(s) assigned to Tigard High School and the SRO supervisor will be the only persons who know the code to the safe.

(c) The carbine will be stored in patrol ready condition as previously described in this policy.

(d) The carbine will only be removed from the school for deployment, training, or maintenance. The carbine will always be transported for non-deployment purposes inside a case.

(e) Maintenance will never be performed on school property and will be done according to this policy.

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Aircraft Accidents

433.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification and documentation.

433.2 RESPONSIBILITIES

In the event of an aircraft crash the employee responsibilities are as follows:

433.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure that the medical examiner's office is notified if a death occurs.

(g) If there appears to be a large number of fatalities, consider contacting the County Health Department for mass casualty assistance.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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433.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

433.2.3 WCCCA RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department

(b) The affected airport tower

(c) Closest military base if a military aircraft is involved

(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

433.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Oregon Department of Aviation

(b) Forward a copy of the report to the Operations Division Commander and the manager of the affected airport

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433.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

433.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented in a police report.

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Field Training and Evaluation Program

435.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Tigard Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training and Evaluation Program which complies with DPSST training requirements and that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

435.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

435.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Must be off probation

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Favorable assignment potential rating by supervisors

(f) Possess a DPSST Basic Certificate

435.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a DPSST approved Field Training Officer's Course prior to being assigned as an FTO.

435.3 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Tigard Police Department who has successfully completed the DPSST approved Basic Academy or Career Officer Development Course, but who is still in FTEP or in a probationary employment status.

435.3.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Tigard Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Tigard Police Department.

435.4 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

435.4.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Observation Report (DORs) with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

435.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

435.7.1 FIELD TRAINING OFFICER

(a) FTO's shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.

(b) FTO's shall review the Daily Observation Report (DORs) with the trainee each day.

(c) A detailed end-of-phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.

(d) FTO's shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

435.7.2 SUPERVISOR RESPONSIBILITIES

The immediate supervisor shall review and approve the Daily Observation Reports and forward them to their Watch Commander. The Watch Commander will then forward it to the FTEP supervisor who will review and compare it to the trainee's file making recommendations if necessary to the Training Coordinator as appropriate.

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435.7.3 MONTHLY OBSERVATION REPORTS

Once a trainee has been released by the FTEP supervisor to solo status, they will continue to be observed by their direct supervisor, who will prepare and submit a Monthly Observation Report to the Watch Commander. The Watch Commander will forward these to the FTEP supervisor who will review and compare it to the trainee's file, making recommendations if necessary to the Training Coordinator as appropriate.

435.7.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training and Evaluation Program to the Training Coordinator.

435.7 DOCUMENTATION

All documentation of the Field Training and Evaluation Program will be retained in the officer's training files and will consist of the following:

Daily Observation Reports

End of phase evaluations

Monthly Observation Reports (once trainee is in solo status)

The completed Field Training Manual

Once the trainee completes their probationary period their FTEP records will be forwarded to the Training Officer for retention according to City policies and applicable Oregon Revised Statutes.

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Obtaining Air Support

437.1 PURPOSE AND SCOPE

The use of a police air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

437.2 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

437.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Patrol Lieutenant, or his/her designee, will call the closest agency having air support available. The Patrol Lieutenant on duty will apprise that agency of the specific details of the incident prompting the request.

437.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police air support may be requested under any of the following conditions:

(a) When air support is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of air support may reduce such hazard

(c) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Detentions and Photographing Detainees

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

439.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or Pat-Down Search - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others (ORS 131.625).

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Stop - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed, or is about to commit a crime (ORS 131.615).

439.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

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(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

439.3.1 INITIATING A FIELD INTERVIEW

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Tigard Police Department to strengthen our community involvement, community awareness and problem identification.

439.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify 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, officers should attempt to identify the witness prior to his/her departure.

(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 department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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439.4 FRISK OR PAT-DOWN SEARCHES

A frisk or pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the officer or other persons present (ORS 131.625). Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(c) The appearance and demeanor of the suspect.

(d) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(e) Statements made by the suspect, witnesses or other persons.

439.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

439.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

439.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in, or was about to become involved in, criminal conduct.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

439.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

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439.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander shall review it and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Gang Unit Supervisor. The Gang Unit Supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Unit. These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Unit in a separate non-booking photograph file in alphabetical order.

439.7.1 PURGING THE FIELD PHOTO FILE

The Records Supervisor will be responsible for ensuring that photographs retained by the Records Unit that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Tigard Police Department and the booking file remains in the Records Unit.

439.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

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439.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her to discuss the matter.

After carefully considering the information available, the Chief of Police or his/her designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Tigard Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or d policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Tigard Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

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Within 30 days of the Chief of Police’s determination the person photographed/FI'd will be notified in writing whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Criminal Organizations

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Tigard Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

441.2 POLICY

The Tigard Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

441.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

441.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any

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supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

441.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

441.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Unit, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, WCCCA records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

441.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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441.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

441.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

441.7 CRIMINAL STREET GANGS

The Criminal Investigation Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with criminal street gangs.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

441.8 TRAINING

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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In-Car Digital Video System

446.1 PURPOSE

The City of Tigard Police Department shall use an in-car digital video recording system installed in each patrol fleet vehicle to assist with:

- The prosecution of violators
- The collection of evidence
- The enhancement of officer safety
- Addressing allegations of officer misconduct
- Other department approved uses

446.2 POLICY

The purpose of this policy is to establish standards for the proper use and handling of the video recording equipment in patrol cars, the wireless transmitter, the lapel microphone, the video system software, and the video files created by the system. The policies and procedures are also designed to establish guidelines for the acquisition, use, maintenance, retention, labeling, duplication, and destruction of video files, and to identify the responsibilities of officers, supervisors, and administrators.

446.3 DEFINITIONS

Recording equipment - a Tigard Police Department approved in-car video recording system consisting of a car video recording system, a camera assembly, recording mechanism, video processing unit, wireless transmitter charger, and in-car equipment.

Wireless transmitter (audio) - a device worn by the officer to transmit conversations from the officer's location to the recording location. This includes the transmitter and the lapel attachment. The wireless transmitter range is approximately 300 feet.

Video media - the storage platform used to store the video data, including in the in-car video computer hard drives, City of Tigard server hard drives, CDs, and DVDs.

Video files - the computer files created by the Tigard PD in-car video recording system. These files include but are not limited to the digital video files and still photo files, along with the data associated with each recording such as the car identification, audio recordings, vehicle speed, patrol light indicators, geographic direction, and a complete history of video file activity by network user, such as creation date, retrieval, viewing, labeling, saving and dates or workstations.

Recording system software - TPD approved software which facilitates the handling and processing of video recordings. A limited version of this system is installed in the cars; a full version is installed on the in-station workstations.

Retrieval - the act of using the video software to search the video server for particular video files.

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Label/Annotate - the act of associating specific identifiers such as case numbers or citation numbers and other information as desired with video recordings.

Duplication - the process of burning video recordings to a portable media such as a CD or DVD, including the video reader required to view the files.

Saving - the act of transferring video files from their temporary 90 day storage location to a permanent location on the TPD video server. This is also referred to as archiving.

Recording System - the Tigard PD approved in-car digital video recording equipment and software.

446.4 RESPONSIBILITIES

446.4.1 POLICE ADMINISTRATION

Members of Police Administration shall:

(a) Develop and administer the training process for the proper usage of recording equipment, wireless transmitter, lapel microphone, recording system software, and video media.

(b) Require all officers complete recording system training and pass a proficiency exam.

(c) Serve as custodian of all training records (Training Coordinator).

(d) Provide a secure location for all video recordings.

446.4.2 PATROL SUPERVISORS

Patrol Supervisors shall:

(a) Require all instructors and operators of in-car video camera equipment to complete the required training.

(b) Periodically review selected video of their staff, placing special emphasis on reviewing the recordings of pursuits, use of force incidents, consent searches, and complaints for the purpose of:

1. Assessing officer performance and safety.
2. Determining the mobile video equipment is functioning and being properly used.
3. Identifying any material that may be appropriate for training and forward to the Training Coordinator.

(c) Notify Chief Deputy District Attorney when a case arises for which there is video data available (includes video, audio, and still photos). Deputy District Attorney Hanlon can be contacted by phone at 503-846-3469 or by email at roger_hanlon@co.washington.or.us

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446.4.3 OFFICERS
Recording equipment installed in patrol vehicles is the responsibility of the patrol officer for the duration of her/his car assignment. Anytime the vehicle is in use the video system shall be powered on.

Officers shall:

(a) Ensure proper care and maintenance of the recording equipment, wireless transmitter, lapel microphone, and recording systems software in accordance with TPD sponsored training.

(b) Ensure proper security of all components listed above in accordance with Policy 704 (Vehicle Maintenance).

(c) Ensure that any recording equipment, wireless transmitter, lapel microphone, or recording system software failure is immediately reported to his/her immediate supervisor. Officers shall not make any attempt to make any repairs to recording equipment, wireless transmitter, lapel microphone, or recording system software.

(d) Position the patrol unit with highest regard for the safety of the officer, the violator, and the general public at all times. Officers shall attempt to position the camera in such a way as to best capture the incident. However, officers should not compromise their safety in order to obtain video.

446.5 PROCEDURES

446.5.1 VIDEO RECORDING
Officers shall:

(a) Activate the recording equipment in the following circumstances:

1. all traffic stops
2. courtesy transports
3. DUII investigations
4. high risk stops
5. prisoner transports
6. pursuits
7. incidents involving potential citizens' complaints
8. any incidents or situations where an officer's safety may be placed in jeopardy

(b) Activate the wireless transmitter during the incidents listed above in order to provide narration with all video recording.

(c) Deactivate the recording equipment when the officer is reasonably certain nothing of significance would be recorded.

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- An example of a deactivation might be, a code run to a domestic disturbance, but the officer parks at such a distance from the incident that the remote microphone will be inoperable and no evidence of pertinent activity within recording distance exists. The officer may choose to deactivate at the conclusion of the code run when parked rather than at the conclusion of the entire call.

(d) Upon a deactivation of the recording equipment, the officer will reactivate the equipment either manually or by using the remote microphone if the situation changes and evidence might be captured on video.

(e) Video or audio record other types of incidents at their discretion. However it is recommended that officers activate the recording equipment and wireless transmitter during any public or officer contacts in order in order to capture potential evidence for court and to protect themselves from false allegations. Officers are also encourage to activate the recording system and wireless transmitter any time it may be beneficial, such as when suspicious activity is observed, or during traffic or crowd problems.

(f) Activate both the front and the rear cameras whenever transporting a prisoner.

(g) Make every effort to show the degree of impairment of the driver when interacting with impaired drivers. This shall be accomplished by the use of audio and video recordings of the driving violations committed by the driver and standardized field sobriety tests conducted in the field. Consider the video files as an addition to and not in lieu of other documentation.

(h) Notify personnel assisting from outside agencies whenever either video or audio recording is in use.

(i) Wear the wireless transmitter with the lapel microphone on their person at all times, positioned to obtain the best audio possible. Officers may choose to set the wireless transmitter to either auto or transmit at his/her discretion. In auto mode, the wireless transmitter recording begins approximately five seconds after the video activation; in transmit mode the officer must manually activate the wireless transmitter.

(j) Not compromise their safety in order to provide notification, but shall provide notification once it is safe to do so.

446.5.2 POST RECORDING ACTIVITY

Officers shall:

(a) Review the video prior to writing a report when the video is associated with an incident where there is either a case number or a citation.

(b) Note the acquisition of recordings in reports and on citations.

(c) Where possible, identify all relevant subjects recorded in the report.

(d) Not access or duplicate video files unless the officer:

- responded to the incident

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- assisted with an incident
- is directed by a supervisor to do so
- performs a work task which requires viewing or duplication

(e) Treat all video files as evidence until it is determined to be otherwise

(f) Not make copies of video files for personal use.

(g) Label/annotate and save/archive all recordings associated with incidents for which video of evidentiary value exits. (Officers may label and/or save other files as desired).

(h) Label and save video data associated with incidents for which a case number or a citation number exists, simultaneous with report preparation.

(i) Not access the video files through any means other than the software accessible from PD desktops without permission from a supervisor.

(j) Document any instance of video deactivation where recording equipment stopped functioning properly during a reported contact, or in the instance no report is written, notify their supervisor of equipment failure.

446.6 VIDEO FILE DUPLICATION

The video recordings generated are the property of TPD. The policies and procedures relating to disclosure of public records and rights of privacy shall be followed. (Policy 810).

The following restrictions apply to the distribution of video data outside the department:

- Copies can be released to other authorized parties only within the scope of official business
- All other requests for copies, such as those from the media, attorneys, and citizens shall be processed by TPD Records Unit personnel, or the Public Information Officer.
- Copies are not considered evidence.

446.7 TRAINING

Video files that contain material deemed beneficial for training purposes, with Patrol Supervisors approval, may be utilized for training purposes. Officers may notify supervisors of video that may be appropriate for training; supervisors review and submit videos to the Training Coordinator at their discretion.

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Mobile Digital Computer Use

447.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from the Oregon State Police and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

447.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the department are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Patrol Lieutenant.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS Rules & Policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

447.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC

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447.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

447.2.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.

(b) Notify the field sergeant and Patrol Lieutenant of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

447.3 MDC CONSIDERATIONS

447.3.1 NON-FUNCTIONING MDC

Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify WCCCA. It shall be responsibility of WCCCA to record all information that will then be transmitted verbally over the police radio.

447.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.

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Portable Audio/Video Recorders

449.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

449.2 POLICY

The Tigard Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

449.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

449.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member should be equipped with a portable recorder, issued by the Department, and should make sure the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

449.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

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(a) All enforcement and investigative contacts including stops and field interview (FI) situations

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify WCCCA

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members shall notify all parties to the conversation that a recording is being made unless pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7) and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endangers human life (ORS 165.540)).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

449.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

449.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

449.5.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

449.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

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Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

449.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

449.7.1 RETENTION REQUIRMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

449.8 REVIEW OF RECORDINGS

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

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(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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Medical Marijuana

451.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Oregon's medical marijuana laws (Oregon Medical Marijuana Act, ORS 475.300 et seq.).

451.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

Caregiver (or designated primary caregiver) - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on either that person's application for a RIC or in other written notification to the Oregon Health Authority. Caregiver does not include the person's attending physician (ORS 475.302).

Grower - A person responsible for a marijuana grow site, who has been selected to produce medical marijuana for a patient and has been registered by the Oregon Health Authority for this purpose (OAR 333-008-0010).

Mature marijuana plant - A marijuana plant that has flowers, is 12 or more inches tall or 12 inches or more in diameter (OAR 333-008-0010).

Medical use of marijuana - The production, possession, delivery, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition (ORS 475.302).

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by his/her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475.319). This includes a person who has been issued a valid RIC for his/her medical condition (ORS 475.309).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475.312, the person's designated primary caregiver (ORS 475.302).

Statutory possession amounts - Up to six mature marijuana plants and 24 ounces of usable marijuana. The amount is limited to one ounce if the person has a qualifying felony-controlled substance conviction in the past five years (ORS 475.320).

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Statutory grow site amounts - Grow site amounts, perpatient, are generally limited to both of the following (ORS 475.320):

(a) Up to six mature plants and up to 24 ounces of usable marijuana.

(b) Up to 18 marijuana seedlings or starts (a marijuana plant that has no flowers, is less than 12 inches in height and less than 12 inches in diameter) (OAR 333-008-0010).

Usable marijuana - The dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use. Usable marijuana does not include the seeds, stalks and roots of the plant (ORS 475.302).

451.2 POLICY

It is the policy of the Tigard Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Oregon medical marijuana laws are intended to protect patients and their doctors from criminal and civil penalties that may deter the use of small amounts of marijuana by those suffering from debilitating medical conditions (ORS 475.300). However, Oregon's medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Tigard Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the Department.

451.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations related to patient cardholders.

(c) Investigations related to patient non-cardholders.

451.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

451.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not arrest a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475.306). Officers shall not arrest a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475.306).

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Cardholders are required to possess a RIC when using or transporting marijuana at a location other than the cardholder's residence. However, officers should treat a person without a RIC in his/her possession as if it were in his/her possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

451.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not arrest a patient who does not have a RIC for possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the patient (ORS 475.319):

(a) Is engaged in the medical use of marijuana.

(b) Possesses an amount at or below statutory possession amounts or the amount cultivated is at or below statutory grow site amounts.

Officers should not arrest a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC, possesses at or below statutory possession amounts or below statutory grow site amounts, and the person's medical use claim appears genuine under the circumstances (ORS 475.319).

451.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

(a) Grow sites are regulated in the following manners (ORS 475.304):

1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.

2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.

(b) Officers confiscating excess amounts of marijuana may not confiscate from a RIC holder usable marijuana or plants at or less than the statutory possession amounts that are allowed under the law (ORS 475.324).

(c) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.

2. The case would benefit from review by a person with expertise in medical marijuana investigations.

3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Any other relevant factors, such as available department resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, officers should consider conferring with appropriate legal counsel.

(e) Possession of a RIC pursuant to ORS 475.309 does not alone constitute probable cause to search the person or property of the cardholder or otherwise subject the person or property of the cardholder to inspection (ORS 475.323).

(f) Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Persons or entities who operate under the industrial hemp laws of Oregon must have the required industrial hemp license or agricultural hemp seed production permit issued by the Oregon Department of Agriculture (ORS 571.305). Officers may contact the Department of Agriculture's Commodity Inspection Division for information about industrial hemp sites and licensing compliance.

451.3.5 EXCEPTIONS

Medical marijuana users are generally not exempt from other criminal laws and officers should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Officers may take enforcement action if the person (ORS 475.316):

(a) Drives under the influence of marijuana as provided in ORS 813.010.

(b) Engages in the medical use of marijuana in a place where the general public has access (ORS 161.015), in public view or in a correctional facility (ORS 162.135(2)), or in a youth correction facility (ORS 162.135(6)).

(c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.

(d) Delivers marijuana for consideration to any individual, even if the individual is in possession of a RIC.

(e) Manufactures or produces marijuana at a place other than a marijuana grow site authorized under ORS 475.304.

451.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

451.5 SEIZURE AND DISPOSITION

The Property and Evidence Unit Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed, harmed, neglected or injured while in the custody of the Property and Evidence

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Unit. The Property and Evidence Unit is not responsible for caring for live marijuana plants (ORS 475.323).

451.5.1 FINAL DISPOSITION

Upon authorization or disposition of the case, including all appeals, the Property and Evidence Unit shall hold medical marijuana and/or drug paraphernalia for thirty (30) days pending a possible court order to return such items. At the conclusion of the thirty (30) days, destruction of such items shall be completed in accordance with established procedures in policy 804.7 of this manual.

451.5.2 RETURN OF ITEMS SEIZED

Medical marijuana and drug paraphernalia in the custody of the Property and Evidence Unit shall not be returned to any person unless the department is served with a valid State or Federal court order. All court orders served on this department with respect to the return of items seized will be reviewed by the City Attorney before any actions are taken. Following the advice of the City Attorney's review, the Investigations Lieutenant will notify the Property and Evidence Unit to release items as specifically appropriate.

The Property and Evidence Supervisor may release marijuana and/or related drug paraphernalia to federal law enforcement authorities pursuant to valid court orders or written directives from the Investigations Lieutenant.

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Foot Pursuit Policy

457.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

457.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

457.1.2 DEFINITIONS

(a) Foot pursuit: A pursuit on foot by a sworn member(s) where visual contact is maintained, and the suspect is readily capable of being apprehended by the pursuing sworn member(s).

1. A foot pursuit should end when the sworn member(s) loses visual contact with the suspect for more than a brief period of time (1-2 seconds), and a tactical apprehension should begin.
2. Sworn members can re-engage in a foot pursuit when he/she regains visual contact of the suspect and the suspect is readily capable of being apprehended.

(b) Tactical apprehension strategies for the search and apprehension of the suspect could be accomplished by:

1. Sworn member follows and maintains constant visual contact while waiting for additional resources for apprehension.
2. Perimeter search
3. Block search
4. Cover/contact search
5. K-9 track
6. Activation of TNT
7. Consider air support from Portland Police Bureau, if available

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457.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual who the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion of the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area

(b) Canine search

(c) Saturation of the area with patrol personnel

(d) Aerial support

(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

457.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g., a serious threat to the safety of personnel or members of the public), Officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

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(d) The officer is unsure of his or her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with WCCCA or with backup officers.

(h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to the officer or the public.

(j) The officer reasonably believes that the danger to the pursuing officer or public outweighs the objective of immediate apprehension.

(k) The officer loses possession or function of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

457.4 RESPONSIBILITIES IN FOOT PURSUITS

457.4.1 INITIATING OFFICER RESPONSIBILITIES

(a) Once the foot pursuit has been initiated, the pursuing sworn member should notify WCCCA and attempt to broadcast the following information:

1. The suspect's direction of travel.
2. Whether the suspect is armed, if known.
3. Number of fleeing suspects.
4. The reason for the pursuit.
5. If know, the identification of the suspect, or a physical description.

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(b) Generally, the pursuing sworn member should not attempt to overtake the fleeing suspect but keep the suspect in sight until sufficient cover is available to take him/her into custody. The following are techniques to consider:

1. Following and maintaining a safe distance.
2. Paralleling the suspect.
3. Cover/contact pursuits (two sworn members).
4. Following a different route than the suspect (i.e., wide corners).
5. Using available cover (i.e., parked cars).

(c) The primary sworn member should attempt to immediately coordinate with secondary sworn members to establish a perimeter in the area to contain the suspect. Secondary sworn members may assist with the coordination if the primary sworn member is unable to do so.

(d) Complete all applicable reports needed to document the incident.

457.4.2 FOOT PURSUIT RESTRICTIONS

(a) The pursuing sworn member, if appropriate, will attempt tactical apprehension strategies. Sworn members will not engage in or continue in a foot pursuit when instructed not to by a supervisor. Sworn members should not engage in or continue foot pursuits in the following circumstances:

1. Armed suspects unless, in extreme circumstances, no other alternative strategy is feasible and a delay in the apprehension of the suspect would present a threat of death or serious physical injury to others.
2. In the event that a suspect enters a building, structure, wooded area or otherwise isolated area sworn members, unless in extreme circumstances, will not pursue suspects into these areas without sufficient cover present.
3. If the sworn member believes that the danger to the pursuing sworn member or the public outweighs the necessity for immediate apprehension.
4. If the sworn member is disarmed.
5. If the sworn member loses contact with WCCCA and no other means of communication exists.
6. If the sworn member loses visual contact of the suspect(s) for more than a brief period of time (1-2 seconds).
7. The sworn member is not familiar with and is unable to communicate the direction of travel or location sufficient enough for other sworn members to assist.
8. The sworn member is unsure of his/her location.
9. If instructed to do so by a supervisor.

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457.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public unreasonably appears to outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

457.4.4 WCCCA RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practical, notify the field supervisor and provide available information. Communication personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officers as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as directed by a supervisor.

(f) Coordinate response of additional resources to assist with the foot pursuit.

457.5 REPORTING

The initiating officers shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

    1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.

(e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officers need not complete a formal report.

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First Amendment Assemblies

461.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

461.2 POLICY

The Tigard Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

461.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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461.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

461.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to WCCCA, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

461.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

461.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

461.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

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461.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

461.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

461.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

461.8 ARRESTS

The Tigard Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

461.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

461.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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461.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, WCCCA records/tapes

(g) Media accounts (print and broadcast media)

461.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

461.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Public Recording of Law Enforcement Activity

466.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

466.2 POLICY

The Tigard Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

466.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

466.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

466.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

466.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless ("First Amendment Privacy Protection, Unlawful Acts", 42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Tigard Police Department. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating an officer's overall performance. The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Officers attempting to enforce traffic laws shall be in Tigard Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority (ORS 810.400). Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions may be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations should be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Officers at the scene of a traffic accident and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, shall issue the person a citation for that offense (Oregon Revised Statutes 810.410(4)).

500.3.3 PHYSICAL ARREST

Officer may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

(a) Driving Under the Influence of Intoxicants.

(b) Hit-and-Run.

(c) Attempting to Elude.

(d) Reckless Driving with extenuating circumstances.

(e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to ORS 810.410.

Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven’t notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

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500.5 HIGH-VISIBILITY VESTS

The Tigard Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

A high-visibility vest shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Coordinator should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Tigard Police Department prepares traffic collision reports in compliance with Oregon Revised Statutes 810.460 relating to reports of traffic accidents to the Oregon Department of Transportation and, as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The Watch Commander will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report. The Watch Commander will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the shift Sergeant for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Commander, or other persons as required. The Records Section will be responsible for monthly reports on traffic collision statistics to be forwarded to the Operations Division Commander and the Oregon Traffic Safety Commission.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the City limits of Tigard resulting in a serious injury or fatality, the Watch Commander or the Watch Commander may notify the Oregon State Police for assistance.

The term serious injury is defined as any injury that results in hospitalization.

502.4.2 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Oregon Police Traffic Crash Reports shall be taken for collisions occurring on private property when there is a death or injury to any person involved or a hit and run that meets the threshold for State reporting requirements. All other hit and run offenses shall be documented on an Incident Report. This policy does not prohibit any supervisor from directing an officer to complete an Oregon Police Traffic Crash Report at their discretion. Officers are always encouraged to investigate all collisions when time and circumstances permit.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

The Oregon Police Traffic Crash Reports shall be taken when a collision occurs on a roadway or highway within the City limits of this jurisdiction in the following cases:

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(a) There is a death, or injury to any person involved in the collision.

(b) The collision is initially reported by a garage operator who has received a vehicle involved in a serious collision or exhibiting evidence of having been struck by a bullet (Oregon Revised Statutes 822.600).

(c) The collision meets the criteria for operators to submit an Oregon Traffic Accident and Insurance Report to the Department of Motor Vehicles.

(d) Any vehicle involved in the crash is disabled so that it cannot be driven or must be removed by a tow truck.

502.4.5 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS
A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless the incident meets the criteria in the Vehicle Towing policy.

502.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Watch Commander and request a Major Collision Investigator to investigate the traffic collision. The OSP Crime Lab may also be requested to assist with a fatal accident.

502.6 CRASH INVESTIGATION PROCEDURES

Any City of Tigard police employee involved in a crash with a departmental owned or leased vehicle will leave all involved vehicles in place unless such action creates an unwarranted hazard. If vehicles must be moved, their positions shall be marked on the pavement first.

Employees involved in crashes shall immediately notify dispatch and the on-duty supervisor. The on-duty supervisor shall conduct a preliminary investigation into the circumstances surrounding the incident and then determine an appropriate course of action. The supervisor who is investigating the crash or damage must complete an RFA with all pertinent information before leaving for the day. On the RFA email, you shall also courtesy copy #*Risk*, the Lieutenant, and Sergeant. If the officer involved crash is sever enough, i.e. injuries, death or of a high high dollar loss, Risk Management shall be notified by phone. Do not close down the scene until it is been determined that an insurance adjuster will arrive. That will notify everyone of the impending vehicle actions each agency must accomplish. Please include a note to let them know if the case is part of a felony crime and it is anticipated that a grand jury will be hearing the case. Photographs of the scene and vehicles involved shall be taken and copies shall be submitted to the Risk Manager with any reports or memos.

A Tigard Police supervisor shall investigate crashes involving Tigard police vehicles. If the crash results in injuries that require any hospital emergency room treatment to any person, the Division Commander will be notified. If the crash results in a fatality, the Division Commander, the Chief

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of Police, and the Washington County District Attorney will be notified. The Crash Analysis Reconstruction Team (CART) will also be called out.

In the event the crash does not meet the State reporting criteria and it does not involve damage to a second party, it will still be investigated by the duty supervisor and documented using a City of Tigard Vehicle Incident Report and memorandum to the Division Commander determining whether the crash was "preventable" or "not preventable". Once completed and reviewed by the Division Commander, all reports will be distributed to Risk Management for insurance purposes. The involved employee and any passengers in the department vehicle will prepare complete written reports or memoranda at the direction of their supervisor concerning the crash. If a prisoner is being transported when the crash occurs, they will be interviewed and their statements recorded by the supervisor investigating the crash, to include documentation of any injuries or the lack thereof.

All reports will be submitted to the Watch Commander prior to the end of the shift or as soon as practical in the event of hospitalization.

If the crash involves a vehicle owned by the City, the appropriate department will be promptly advised through inter-departmental City distribution.

Damage to vehicles, caused by other than a crash, is to be brought to the immediate attention of the shift supervisor. This includes, but is not limited to, damage may be caused by a prisoner, by an officer running over something, or when an officer uses the PIT maneuver to terminate a pursuit. A memorandum to the Division Commander detailing the damage shall be written by the employee involved, attached to any other related police reports from the incident. It will be forwarded to the Watch Commander and Division Commander for repair purposes. Damage as described above does not fall under the procedures outlined in Section V., "Crash Review Board." Negligence may be cause for disciplinary action.

502.7 CRASH REVIEW BOARD

The following procedures apply when department vehicles are damaged or cause other vehicles to be damaged.

502.7.1 DEFINITIONS

Crash - Any incident involving a departmental vehicle resulting in property damage, injury or death

502.7.2 REVIEW BOARD

To establish the Review Board, the Watch Commander will appoint five members to the Board; at least one shall be of the involved employee's peer group. The involved employee has 24 hours to eliminate two names from the Board. Of the remaining members, the Watch Commander will designate the chairperson.

Hearings by the Crash Review Board shall be informal. The involved employee may testify in his/her own behalf and may call witnesses. Hearings shall be conducted privately. Crash Review

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Board decisions will be by majority vote. All findings will be signed by all members with indication of concurrence or dissent.

The Crash Review Board shall make one of the following findings:

(a) The crash was preventable

(b) The crash was non preventable

A report of the Crash Review Board shall be sent to the Division Commander.

Personnel may request to waive the Crash Review Board process and have the matter heard by the Division Commander; however, the Division Commander has the authority to refer any crash to a Crash Review Board.

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Tigard Police Department.

510.1.1 VEHICLE IMPOUND REQUIREMENTS

Officers may tow vehicles as a result of the following circumstances:

(a) Abandoned vehicles.

(b) Vehicles left standing in or partially blocking the roadway and constituting a hazard.

(c) For safekeeping in the event the owner is arrested, cannot be located, or is incapable of caring for the vehicle.

(d) As a recovered stolen vehicle.

(e) A vehicle disabled in a collision.

(f) As evidence pursuant to a criminal investigation.

(g) When probable cause exists to believe the vehicle is subject to forfeiture under the Oregon Criminal Forfeiture Law, HB 3457, 2005.

Officers shall tow vehicles when the operator is cited for one of the following traffic crimes/ violations and a public safety or community caretaking risk would result if the vehicle were left at the scene (Oregon Revised Statutes 809.720 (Community caretaking exceptions following this section):

(a) Driving while suspended or revoked (Oregon Revised Statutes 811.175; 811.182).

(b) Operating without driving privileges, or in violation of license restrictions (Oregon Revised Statutes 807.010).

(c) Driving while under the influence of intoxicants (Oregon Revised Statutes 813.010).

(d) Driving uninsured (Oregon Revised Statutes 806.010).

510.1.2 COMMUNITY CARETAKING STANDARD

Vehicles shall not be towed and/or impounded under the authority of ORS 809.720 under any of the following circumstances:

- The vehicle is parked on private property on which the registered owner or operator is legally residing.
- The registered owner is present in the vehicle at the time of the stop and can lawfully remove the vehicle or allow a passenger to do so with a valid driver's license and proof of liability insurance.

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- The vehicle is legally parked at a time and place where the likelihood of it being subject to theft and/or vandalism is remote and traffic or public safety is not affected. The registered owner must be present and make this request, absolving the City of any consequences for leaving the vehicle unattended. Except the vehicle may be towed for community caretaking purposes if the officer has reason to believe that the person cited will remain or return to drive the car unlawfully if it is not impounded. Articulable facts to support this decision such as statements from the operator or a history of similar violations must be included in the tow report.

Note: The community caretaking concerns shall be thoroughly documented in a report. In all cases where a vehicle is impounded or towed, the officer shall make every effort to ensure the safety of all of the vehicle occupants by providing transportation or communication necessary to avoid stranding any occupant where their safety or security may be in question.

510.2 RESPONSIBILITIES

The responsibilities of those officers impounding a vehicle are as follows.

510.2.1 ABANDONED VEHICLES OR VEHICLES CONSTITUTING A HAZARD

Vehicles may be considered abandoned only after following the procedures in Policy Manual § 524 and finding the vehicle to be parked in violation of those provisions.

Vehicles constituting a hazard may be impounded if the owner cannot be located.

Officers impounding a vehicle shall complete a report and have it signed by the tow truck operator. The report shall be submitted to the Records Section as soon as practical after the vehicle is towed.

Records Section personnel shall promptly enter pertinent data from the completed report into LEDS.

Once the report is approved and forwarded to the Records Section, it shall be placed into the case file immediately to be available for release or for information should inquiries be made.

510.2.2 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 WCCCA.

If the owner is incapacitated, or for any reason it is necessary for the department 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.

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510.2.3 DRIVING A NON-CITYCOUNTY VEHICLE
Vehicles which have been towed by or at the direction of the Police Department 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.

510.2.4 DISPATCHER'S RESPONSIBILITIES
Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

If the request is for no preference towing, the dispatcher shall call the firm whose name appears next on the No Preference Towing Service log and shall make appropriate entries on that form to ensure that the next firm is called on the next request.

510.3 TOWING SERVICES
The City of Tigard uses the towing services as contracted by the Washington County Tow Desk. These services will be used in the following situations:

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

(b) Under those circumstances, when applicable, listed in Section 510.1.1.

Any complaint alleging a violation of the agreement or other misconduct by a tow operator shall be referred to the police department for investigation. The department may periodically review the performance of each authorized tow operator.

510.3.1 NO PREFERENCE TOW SERVICES
The department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, the department will contact the Washington County Tow Desk.

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

510.4 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 storing the arrestee's vehicle subject to the exceptions described below. However, the vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored, for example, 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.

- Traffic related warrant arrest
- Situations where the vehicle was not used to further the offense for which the driver was arrested

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- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle 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 note in the report that the owner was informed that the department will not be responsible for theft or damages.

510.5 VEHICLE INVENTORIES

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

(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 the following locations:

1. 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; and
2. 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.

(c) 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.

(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.

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(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.

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 department against fraudulent claims of lost, stolen, or damaged property.

510.6 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 Tigard 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.

510.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

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.

510.8 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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510.10 NOTICE TO OWNERS

Once the vehicle is impounded, Records personnel shall send a certified letter to the legal and registered owners, as required by Oregon Revised Statutes 819.180 and Tigard Municipal Code 7.60.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Tigard Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent to contest the validity of the impoundment. A request must be made within five calendar days of the impoundment. The request must be made in writing. The request must be made to the Tigard Municipal Court, 13125 SW Hall Blvd., Tigard, Oregon 97223.

512.3 VEHICLE IMPOUNDMENT INSTRUCTIONS

Please see Attachment 1, Vehicle Impoundment Instructions.

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Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated and unconscious drivers involved in traffic collisions who are suspected of driving while intoxicated.

514.2 CHEMICAL TESTING

Most blood, breath, and urine tests will be administered within the Police Department or the jail. If a suspect is hospitalized, a blood sample may be taken at the hospital. A suspect who is unable to submit to a chemical test because of any of the following shall not be considered as refusing to comply with the provisions of Oregon Revised Statutes 813.100:

- Because of the inability of the Department to furnish a selected test
- If there are verifiable medical reasons for non-compliance
- If an attending physician refuses to allow it

514.2.1 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL

Based on probable cause, the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner. If the only charge against the person is DUI, the Implied consent law does not authorize the taking of blood without the person's consent

If the officer has probable cause to believe the person has committed some other felony such as negligent homicide, manslaughter or vehicular assault and the person's blood alcohol level is relevant to the offense, the officer may take a blood sample without consent, based on probable cause and exigent circumstances.

514.2.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

When there is probable cause to believe that an unconscious driver is under the influence, there is no method of informing the individual of the arrest; nor can there be any verbal consent on the part of the suspect to allow one of the two possible chemical tests at the hospital to determine his/her blood alcohol level. As the person is incapable of expressly consenting the officer may obtain a chemical test without the requirement of consent. The officer shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner (Oregon Revised Statutes 813.140(2).

514.2.3 EXIGENT CIRCUMSTANCES

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual §§

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514.21 and 514.22 of this chapter come within the guidelines of exigent circumstances. If a second sample of blood, taken at a later time, is required to demonstrate whether the level of intoxicants is increasing or decreasing over time, a search warrant will most likely be required.

514.2.4 URINE TESTS

Oregon's Implied Consent Law also provides that drivers have similarly consented to a chemical test of their urine for the purposes of determining the presence of controlled substances or an inhalant, if the person is arrested for Driving Under the Influence of Intoxicants and:

(a) A person takes a breath test and discloses a blood alcohol content of less than .08%, or

(b) The person is involved in an accident resulting in injury or property damage. Under this paragraph, an officer may request a urine test regardless of whether a breath test was offered or taken.

The officer may not request the urine test unless certified as having taken the eight (8) hour class: Recognition of Drug Impaired Driving.

514.2.5 COLLECTING BLOOD EVIDENCE

Only a certified phlebotomy technician, licensed physician, or nurse may withdraw a blood sample. Whether such evidence is collected at the department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer. On rare occasions a situation might arise where a medical doctor or registered nurse would be asked to obtain blood samples from a suspect.

514.2.6 COLLECTING BREATH AS EVIDENCE

If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the nearest location where the intoxilyzer can be administered. An officer certified in the use of the intoxilyzer will record the blood alcohol level by obtaining samples of the suspect's breath.

514.2.7 COLLECTING URINE AS EVIDENCE

If the arrested person's urine is necessarily collected as evidence, the procedure will be as follows:

(a) The specimen container shall be marked accordingly with the suspect's name, case number, and the name of the witnessing officer.

(b) The urine kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

(c) The person shall be given privacy and may not be observed by an officer when producing the sample (ORS 813.131(3)).

514.2.8 IMPLIED CONSENT

Oregon Revised Statutes 813.100 provides that licensed drivers have agreed as a condition of receiving a license to drive that, based on probable cause that they were driving while under the influence of intoxicants, they will consent to a chemical test of their breath, or of their blood if

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they are receiving medical care at a medical facility immediately after a motor vehicle accident. Normally the test will be a breath test conducted at the department or at the jail.

If an arrested person refuses a breath test after being informed of the consequences and rights pertaining to the test, no other test will be given. If the arrested person takes a breath test, they may request to have an additional chemical test at their own expense. The department will make a reasonable attempt to accommodate that request if made.

If the suspected intoxicated person has been involved in an accident and is at the hospital receiving treatment, and therefore unable to take a breath test, an officer may obtain a chemical test of the blood to determine the amount of alcohol in any person's blood or a test of the person's blood or urine, or both, to determine the presence of a controlled substance or an inhalant in the person as provided in the following:

(a) If, when requested by an officer, the person expressly consents to such a test

(b) From a person without the person's consent if:

1. The officer has probable cause to believe that the person was driving while under the influence of intoxicants and that evidence of the offense will be found in the person's blood or urine; and

2. The person is unconscious or otherwise rendering the person incapable of expressly consenting to the test or the test requested (Oregon Revised Statutes 813.140)

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Traffic Unit Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Unit Manager may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Commander for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor, with a memo of explanation, to approve the voiding of the citation. The citation and copies of the memo shall then be forwarded to the employee's Division Commander.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit a letter of amendment to the Records Section to be sent to the recipient of the citation and a letter requesting a specific correction to his/her immediate supervisor.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the this department, all employees issued traffic citation books shall return any unused citations to the Records Section.

516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

Public safety, and the Tigard Police Department's commitment to service, requires that officers place a high priority on assisting disabled motorists. This policy provides guidelines for achieving that objective.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

Due to the likelihood of damage to the PIT bars, patrol vehicles will not be used to push vehicles other than in emergencies.

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Abandoned Vehicles

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of Tigard City Ordinance regulating abandoned vehicles under the authority of Tigard Municipal Code Chapter 7.60 and ORS 819.110.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of Chapter 7.60 shall be marked and noted on either a special report or by entering remarks into the CAD call.

(a) A visible chalk mark should be placed on one of the tires and tread if possible. If the vehicle violates Chapter 7.60, an abandoned tow sticker shall be prominently attached to a window in a manner that does not block a driver's visibility.

(b) When an abandoned tow sticker is attached to a vehicle, the information will be documented on a special report and submitted to the Records Section for data entry. The Records Section shall mail a certified letter stating the vehicle is in violation of Chapter 7.60 and as a result, is subject to being towed and impounded if not removed, the vehicle will be subject to towing charges and costs, and the owner's right to a hearing, to the owner or lawful possessor of the stored vehicle at least five (5) business days prior to the towing of the vehicle.

(c) If a marked vehicle which had an abandoned tow sticker attached to it has moved, the information will be documented on a special report and submitted to the Records Section for data entry.

(d) If a marked vehicle which had an abandoned tow sticker attached to it has not moved, it shall be cited for violation of Chapter 7.60 and a request for a tow request shall be made.

524.2.1 MARKED VEHICLE FILE

The Records Section shall be responsible for maintaining the Abandoned Vehicle files as they do the regular case reports.

524.2.2 VEHICLE IMPOUND

Any vehicle in violation shall be impounded by the authorized towing service and a special report shall be completed by the officer authorizing the towing of the vehicle.

The special report shall be submitted to the Records Section following the towing of the vehicle. It shall be the responsibility of the Records Section to enter the vehicle into LEDS.

The Records Section shall mail a certified letter describing the location of the vehicle, the procedures for its release, and the owner's right to a hearing, to the owners of the vehicle as shown in the records of the Department of Motor Vehicles of the stored vehicle within 48 hours after it has been impounded, unless the vehicle has been previously released.

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Vehicles impounded under this section may be subject to hearing procedures outlined in Policy Manual 512.

524.3 VEHICLE DISPOSAL

If, after 15 days from the custody and the vehicle has been appraised at $750 or less or has been in storage for thirty (30) days or longer, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a vehicle impound hearing has been made, the Department may provide the lien holder storing the vehicle with authorization to dispose of any vehicle.

If the vehicle is appraised at more than $750 and has not been claimed within thirty (30) days, the vehicle and contents shall be sold at public auction. (Tigard Municipal Code 7.60.090 and ORS 819.110).

524.3.1 APPRAISAL

Vehicles disposed of under this policy must be appraised by an appraiser certified by the Department of Transportation. (Tigard Municipal Code 7.60.060 and ORS 819.215).

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by a Division Commander or the Chief of Police.

600.3 POLYGRAPH EXAMINATION OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 to 163.575, may not be required, by a district attorney or other law enforcement officer or investigator involved in the investigation or prosecution of crimes, or any employee thereof, to submit to a polygraph examination as a prerequisite to filing an accusatory pleading (ORS 163.705).

600.4 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

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 (Oregon Revised Statutes 181.575).

600.5 CUSTODIAL INTERVIEWS

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 and in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or 137.707, electronic recording of the interview is mandatory absent good cause not to record (ORS 133.400).

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:

(a) Document the refusal in his/her report.

(b) Request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

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All electronic recordings of custodial interviews shall follow the requirements set forth in ORS 165.540.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Services supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Tigard Police Department seizes property for forfeiture or when the Tigard Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Prohibited conduct - In the context of criminal forfeiture, refers to a felony or a Class A misdemeanor for purposes of proceeds and the many crimes listed in ORS 131.602 for purposes of instrumentalities (ORS 131.550).

Prohibited conduct in the context of civil forfeiture refers to (ORS 131A.005):

- Crimes related to the Uniform Controlled Substances Act where a person may be sentenced to imprisonment (specifically, ORS 475.005 through ORS 475.285 and ORS 475.744 through ORS 475.980).
- Involuntary servitude or compelling prostitution (ORS 163.263; ORS 163.264; ORS 163.266; ORS 167.017).
- Other local crimes allowing for civil forfeiture where a person may be sentenced to imprisonment for the offense.

Criminal Forfeiture - The following, with certain restrictions, may be subject to criminal forfeiture when used, or intended to be used, for prohibited conduct (ORS 131.558):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including aircraft, vehicles and vessels to transport, sell, conceal, etc. controlled substances.
- Proceeds from prohibited conduct or money, deposits or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.

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- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct and conspiracies.
- All other personal property that is used or intended to be used to commit or facilitate prohibited conduct.

Civil Forfeiture - The following, with certain restrictions, may be subject to civil forfeiture when used for prohibited conduct (ORS 131A.020):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including aircraft, vehicles and vessels to transport, sell, conceal, etc. controlled substances.
- Proceeds from prohibited conduct or money, deposits or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct and conspiracies.
- A motor vehicle when the driver is arrested or cited for driving while suspended or revoked under ORS 811.182 or 162.196 and has been convicted of either offense within the past three years.

Seizure -The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Tigard Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Tigard Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

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(a) Civil forfeiture

1. Property that is subject to a court order (ORS 131A.060).
2. Property that is not subject to a court order if (ORS 131A.065):
    (a) There is probable cause to believe that the property is subject to forfeiture and the property may constitutionally be seized without a warrant.
    (b) The seizure is in the course of a constitutionally valid criminal investigative stop, arrest or search, and there is probable cause to believe that the property is subject to civil forfeiture.
    (c) The property is directly or indirectly dangerous to the health or safety of any person.
    (d) An owner consents to the seizure.

(b) Criminal forfeiture

(a) Property that is subject to a court order (ORS 131.561).
(b) Property that is not subject to a court order when (ORS 133.535; ORS 131.561):
    (a) The property subject to criminal forfeiture is also evidence of a crime or is illegal to possess.
    (b) There is probable cause to believe that the property is subject to criminal forfeiture.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
(b) A conveyance owned by a common carrier or person who did not consent to the offense in question or had no knowledge of the offense (i.e., an "innocent owner") (ORS 131.558).

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property

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is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly ORS 131.550 et seq., ORS 131A.010 et seq., and ORS Const. Art. XV, § 10 and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

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(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate (see the restrictions in ORS Const. Art. XV, § 10).

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
5. Other information as necessary to comply with the form requirements of ORS 131.570 and ORS 131A.055.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Special Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property. Information on the notice to interested parties can be found in ORS 131.561, ORS 131.570, ORS 131A.150 and ORS 131A.230. Information on the notice of intent to forfeit real property with the county can be found in ORS 131.567.

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4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the Department disposes of property as provided by law following any forfeiture.

(k) Ensuring the forms and receipts provided for field use comply with ORS 131.570 and ORS 131A.055. A consensual search of a motor vehicle form should be available for field use as well (ORS 131A.025).

(l) Disabling hidden compartments in vehicles when appropriate (ORS 131.566; ORS 131A.030).

(m) Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures,

(n) Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

606.7 DISPOSITION OF FORFEITED PROPERTY

Property forfeiture through the criminal forfeiture process shall be disposed of in accordance with ORS 131.594 and the associated statutes including priority payments for costs and to victims, as applicable. Forfeited cigarettes shall be destroyed, not sold (ORS 131.604).

Criminally forfeited lab equipment may be donated to educational institutions (ORS 131.594).

606.7.1 DISPOSITION OF RECORDS

Written documentation of each sale, decision to retain, transfer or other disposition of criminally forfeited property will be maintained and any information requests necessary for the forfeiture counsel's electronic reports shall be addressed (ORS 131.600).

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606.8 CONSENSUAL SEARCH OF MOTOR VEHICLE

Officers should use a consensual search of a motor vehicle form when requesting a consensual search of a motor vehicle (ORS 131A.025).

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Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Tigard Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Criminal Investigations Unit Sergeant or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) An informant checklist ensuring that all the required documentation is present.

(b) Informant's confidential number, full name and any aliases.

(c) Date of birth, height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph, fingerprints and criminal history.

(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".

(j) Name of officer initiating use of the informant.

(k) Signed informant agreement, initialed by the Detective Supervisor indicating approval of individual for use as an informant.

(l) Initialed copy of Oregon Revised Statutes 161.275 (Entrapment) indicating the informant has read and understood the statute.

(m) Signature of the informant's true name and any assumed name.

(n) Written authorization required as a result of the informant being a corrections client, juvenile or defendant.

(o) A log of all activity and the expenditure of all confidential funds associated with the informant.

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(p) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Criminal Investigations Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Criminal Investigations Unit Sergeant, or their designees.

608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Criminal Investigations Unit Sergeant. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

608.3.1 JUVENILE INFORMANTS

The use of juvenile confidential informants is discouraged due to a number of risks. They will only be used when the investigation is of such a nature as to justify the risks. The district attorney shall be consulted and a parent or legal guardian's written consent shall be secured. Final approval to use a juvenile confidential informant must be obtained from the Chief of Police.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Tigard Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Tigard Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors

(b) Identities of informants shall otherwise be kept confidential

(c) Criminal activity by informants shall not be condoned

(d) Informants shall be told they are not acting as police officers, employees or agents of the Tigard Police Department, and that they shall not represent themselves as such

(e) The relationship between officers and informants shall always be ethical and professional

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(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Unit Sergeant.

(g) Officers shall not meet with informants unless accompanied by at least one additional officer or with prior approval of the Criminal Investigations Unit Sergeant. All exchanges of confidential funds between officers and informants must be witnessed by at least one other officer

(h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses. The voucher shall be signed by the informant using either their true name or a pseudonym registered with a signature in the informant packet. The voucher will also include the case number associated with the expenditure and a description of the benefit obtained (search warrant, arrest, recovered property, etc.)

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- Significance of the violator arrested in terms of criminal activity
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Criminal Investigations Unit Sergeant will discuss the above factors with the Services Division Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police.

608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.

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608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signature of the Chief of Police is required for disbursements over $500. Payments $500 and under may be paid in cash out of the Criminal Investigations Unit Buy/ Expense Fund. The Criminal Investigations Unit Sergeant will be required to sign the cash transfer form for amounts under $200. The Chief of Police must sign transfer amounts over $200.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Tigard Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter from the Criminal Investigations Unit Sergeant identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process -Any field identification, live lineup or photographic identification.

Field identification -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup -A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION FORM

The Services supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

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The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

    1. The length of time the witness observed the suspect.
    2. The distance between the witness and the suspect.
    3. Whether the witness could view the suspect's face.
    4. The quality of the lighting when the suspect was observed by the witness.
    5. Whether there were distracting noises or activity during the observation.
    6. Any other circumstances affecting the witness's opportunity to observe the suspect.
    7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances

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officers should document the contact information for any additional witnesses for follow up, if necessary.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Brady Material Disclosure

612.1 PURPOSE AND SCOPE

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

612.1.1 DEFINITIONS

Definitions related to this policy include:

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

612.2 POLICY

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

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

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

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

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

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

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612.4 DISCLOSURE OF PERSONAL INFORMATION

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

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.

    1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

612.5 INVESTIGATING BRADY ISSUES

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

612.6 TRAINING

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

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Warrant Service

613.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

613.2 POLICY

It is the policy of the Tigard Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

613.3 OPERATIONS DIRECTOR

The operations director or his/her designee (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

613.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

613.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

613.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

613.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded with notice to all parties to a conversation that a recording is being made unless otherwise permitted in the warrant or ORS 133.726 (ORS 165.540).

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(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

613.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

613.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

613.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

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- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Tigard Police Department are utilized appropriately. Any concerns regarding the requested use of Tigard Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Tigard Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Tigard Police Department when assisting outside agencies or serving a warrant outside Tigard Police Department jurisdiction.

613.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

613.12 TRAINING

The Training Coordinator should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

614.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

614.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

614.2 POLICY

It is the policy of the Tigard Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

614.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director. Currently that role will be performed by the Operations Captain.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director or his designee will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk, unless those duties are delegated

614.4 RISK ASSESSMENT

614.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

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The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/ windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

614.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

614.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Washington County Interagency Tactical Negotiations Unit (T.N.T.)
2. Additional off-duty personnel called in to supplement shift
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Washington County Interagency Crisis Negotiations Unit (C.N.U.)

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7. Additional surveillance
8. Canines
9. Property and Evidence Unit or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

614.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

614.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that

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suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

614.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

614.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

    1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

    1. It is the responsibility of the operations director to ensure that WCCCA is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

    2. If the radio channel needs to be monitored by WCCCA, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

    3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

614.8 CRU PARTICIPATION

If the operations director determines that CRU participation is appropriate, the director and the CRU supervisor shall work together to develop a written plan. The CRU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CRU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

614.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

614.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CRU debriefing.

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614.11 TRAINING

The Training Coordinator should ensure officers and CRU team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent and or immediate circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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Handheld Metal Detector

701.1 PURPOSE AND SCOPE

The purpose of this policy is to inform department personnel of the procedures for use of the handheld metal detector.

701.2 POLICY

It is the policy of the Tigard Police Department to ensure the safety of it's employees by making available a handheld metal detector.The use of this metal detector may be used by an officer when he or she feels the need to verify persons entering the building are not carrying concealed weapons. The detector will be located near the front entrance to the Police Department (inside Lobby door).

701.3 DEFINITION

The Garrett Superwand metal detector allows detection of all metals (ferrous and non-ferrous) no matter how small. The wand has 360 degree coverage even at the tip. It operates in two modes, one with an audible tone and the other in vibrate mode. The detector operates using a 9 volt battery.

701.4 PROCEDURES

701.4.1 USE OF DETECTOR

When the metal detector is in operation, it will only detect metal while detector is moving. Scan within two (2) inches of the person (object) being inspected (it is not necessary to touch the detector to the person (object). Sound will be heard or vibration felt and the red light will illuminate when metal is detected anywhere around or at the tip of the detection area.

See attachment: metal detector scan.JPG

701.4.2 BATTERY REPLACEMENT

The central amber light will illuminate when battery power is low and the battery needs to be replaced. Slide back the battery cover and tilt the detector and the battery will slip out.

Before installing the new battery, look inside the battery compartment and note the location of the small and large battery contact openings. Install the new battery with the proper orientation to align the battery posts with the openings.

The battery cover will not close if the battery is improperly installed. Do not force the cover, check the battery alignment and retry.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content sent, received and/or stored through the use of such service.

702.2 POLICY

The Tigard Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

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702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the department or personally owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

(a) PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.

(b) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the general public.

(c) Extended or frequent use of departmentally issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the department for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (ORS 811.507).

Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business related calls or calls of an urgent nature.

702.2.4 OFFICIAL USE

The use of personal communication devices may be appropriate during the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political/community events.

(f) Investigative stakeouts where regular phone usage is not practical.

(g) Emergency contact with outside agency or outside agency field unit equipped with PCDs.

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(h) When immediate communication is needed and the use of the police radio is not appropriate and other means are not readily available.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties. Complete and submit to the shift supervisor a **Vehicle Inventory and Inspection Sheet** prior to daily briefings.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at authorized locations. Vehicles should be fueled at the end of each shift. Oil should be checked when fueling.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

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704.6.1 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

704.6.2 CARE AND MAINTENANCE OF POLICE VEHICLES

(a) Operational procedures to be performed by an officer prior to using a vehicle:

1. Inspect the exterior of the vehicle for body damage or other defects.
2.
   - Reporting vehicle damage is the responsibility of the officer operating the vehicle. Any damage found is to be noted on the daily "Vehicle Inventory & Inspection" sheet and brought to the supervisor's attention.
   - To prevent paint damage, do not place any items on the body area of the police vehicle.
3. Check all emergency and lighting equipment for proper operation.
4. Examine tires for pressure, damage, or excessive wear.
5. Search rear seat area for weapons or contraband.
6. Prepare and inspect the Long gun weapon:
   - Check electric lock for proper operation
   - Chamber empty
   - Magazine loaded
   - Bolt in the closed position
   - Safety in "ON" position
   - Mount Long gun into rack inside patrol vehicle
7. Members who have a flexible baton shall:
   - Check case for 11 rounds of flexible baton ammunition and ensure chamber is clear.
   - Dry fire shotgun into clearing barrel and place safety in "ON" position.
   - Insert 5 flexible baton rounds into magazine and remaining 6 into side saddle.
8. Note the fuel level of vehicle.
9. Visually inspect for the presence of all emergency equipment listed on the "Vehicle Inventory & Inspection" sheet.

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10. If any listed emergency equipment items are missing, notify supervisor for immediate replacement.
11. Check the mileage sticker to determine if service is due.
12. Above listed steps 4,5,& 6 do not apply to Community Service Officers and their respective vehicle(s).
13. Motorcycles shall be inspected and maintained in accordance with Policy 705.

(b) Securing Police Vehicles

1. It is the responsibility of each officer to protect City property and equipment.
2. Police vehicles should be secured whenever they are left unattended or parked out of the direct view of the officer; windows rolled up and doors locked.
3. Police vehicles are to be secured at the end of each shift.
4. Any officer negligently incurring a loss from a police vehicle not secured as indicated above may be subjected to disciplinary actions.

(c) Repair of Police Vehicles

1. When a police department vehicle is not operating properly, an officer shall:
   - Make a repair request in writing to the on-duty shift supervisor.
   - Have repairs performed at a commercial repair shop, garage, or gas station on an officer's assigned unit - while he is on duty - only for minor items which are of an emergency nature, or which will prevent more serious damage; and only when city shops are not open (e.g., broken fan belt, windshield wipers, etc.).

704.6.3 COLLISION INVESTIGATION PROCEDURES

(a) Collisions involving departmental vehicles or rented/leased vehicles driven by a staff member will be investigated by a Tigard supervisor. The supervisor may designate a traffic or patrol unit, or request other resources such as an outside agency to investigate the crash if the collision occurs in another jurisdiction. If the collision results in any injury requiring hospitalization to any person, the Chief of Police will be notified through the chain of command. In the event of a fatal or possible fatal the Washington County District Attorney and the CART team will be notified. Collisions involving emergency vehicles from other agencies that occur within the City of Tigard will be investigated by the Tigard Police Department.

(b) Involved employee responsibilities:

1. Notify dispatch and a supervisor or watch commander.
2. Complete the following reports:

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- Oregon Traffic Collision and Insurance Report, as required by ORS 811.720.
- A police special report.
- Goldenrod City Damage Form (found on Tig20).

(c) Supervisor Responsibilities

1. Investigate all aspects of the collision to include interviews, witness statements, photographs and the recovery of digital video. The supervisor will also ensure that all officer reports and other documents are properly completed.
2. If the crash is not reportable, make a notation on the top of the Oregon Traffic Crash Report stating: Crash does not meet reporting requirements of ORS 811.720. A supervisor will write a memorandum to the Division Commander detailing the circumstances surrounding the incident with a recommendation for an appropriate course of action (finding).
3. Notify Risk Management immediately if there is a hospitalization or death.
4. Fill out Green form (found on Tig20) for any injury to any employee and forward to Risk Management.
5. Notify the appropriate department promptly if the vehicle involved is owned or leased by another City department.

(d) Damage to vehicles, caused by means other than a collision, will be brought to the immediate attention of a supervisor who will investigate the circumstances and document the findings in a memo to the Division Commander.

1. If the damage is criminal mischief caused by a prisoner or citizen, the appropriate investigation will be documented on an incident report and charges filed.
2. Damage caused by a Pursuit Intervention Technique (PIT) maneuver will be documented but will not be investigated or reported as a collision.

(e) Division Commander Responsibility

1. Review investigation to ensure investigation is complete and proper notifications have been made.
2. If the recommended finding for the collision is non-preventable or not a collision and the Division Commander concurs, notify the employee of the finding and document in the collision database.
3. If the Division Commander or the supervisor recommends a preventable finding, notify the affected employee of the recommendation and his/her rights under the Collision Review Board.

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704.6.4 COLLISION REVIEW BOARD

Collisions are any incident or event involving departmental owned or leased vehicles resulting in property damage, injury or death. Collisions involving vehicles owned or leased by the Tigard Police Department will be investigated by a supervisor or designee and reviewed by the Division Commander. Members involved in collisions may request to have the matter heard by a Collision Review Board (CRB) or waive this right and have the Division Commander review the incident and make a finding. The Division Commander reserves the right to convene a CRB to make a recommendation as to finding.

The CRB serves two main functions in the review of Departmental vehicle collisions.

(a) Procedure

1. To establish the CRB, the Division Commander will appoint five members to the Board. One member shall be of the involved member's peer group and one member may be appointed from Risk Management.
2. The involved member has 24 hours to eliminate two names from the Board. Of the remaining members, the Division Commander will designate a Chairperson.
3. Hearings by the CRB will be informal. The involved member may testify on their behalf, present evidence or witness.
4. Hearings shall be conducted in private.
5. CRB decisions will be by a majority vote. All findings will be signed by all members with an indication of concurrence or dissent.
6. Copies of all reports that are generated from a vehicle collision are to be sent to each selected CRB member. These include, but are not limited to, crash reports, special reports, after action reports. If these reports are not received in their entirety, the CRB may elect to send the case back for further investigation before proceeding with a hearing.
7. The CRB will consider only the facts and circumstances of each individual case. A member's past driving history will have no bearing on the recommendation given. The Chairperson will notify the member of the time and place for the hearing. Upon completion of each case, the CRB will make a recommendation for the finding to the Division Commander. If the CRB finds that an investigation is incomplete, they may refer the case back to the investigator for follow up.
8. The CRB's recommendation for finding will be based on criteria established by the National Traffic Safety Council (i.e., did the driver do everything reasonable to avoid the collision?). The recommendation categories include:
    (a) Preventable - The driver failed to recognize a hazardous condition or circumstance and failed to take appropriate action to maintain control of the vehicle and avoid a collision.

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(b) Non-Preventable - The driver did recognize a hazardous condition or circumstances and took appropriate action to maintain control of the vehicle and avoid a collision.

(c) Not a Collision - When the investigation concludes there was a deliberate action taken by a driver which resulted in damage or injury or that a non-deliberate action had occurred, but it was later determined that there was no damage or no injury.

9. Members will not be notified at the time of the meeting of the CRB's recommendation for a finding. The Division Commander will give notice to the member of the final determination.

10. Should the recommendation of the CRB be in conflict with the initial supervisory recommendations, the CRB will submit an additional memorandum to the Division Commander explaining the CRB's rationale.

11. Should the Division Commander's final decision be in conflict with the CRB's recommendation, a memo explaining this decision will be sent to the Assistant Chief, who may modify or concur with the final decision.

12. The CRB will not make any recommendation for the specific discipline and will not track this process.

13. Cases involving minor non-repetitive preventable collision (those collisions that do not meet the reporting criteria of ORS 811.720), the collision outcome will be treated as non-disciplinary investigations. Repetitive minor or collisions meeting the reporting requirements of ORS 811.720 may result in disciplinary action.

14. Nothing in the above guidelines prohibits greater consequences for first or second minor preventable collisions if the circumstances so warrant (such as carelessness or negligence).

15. A finding of preventable in reportable collisions are subject to non-disciplinary and disciplinary actions up to and including termination, based on the progressive discipline concept.

(b) Appeals

The employee may appeal any decision as outlined in state law, ordinances, collective bargaining agreement or departmental procedures. Employees represented by the Tigard Police Association may protest any suspension or discharge through the regular contract grievance procedure.

704.6.5 OPERATION OF POLICE VEHICLES

(a) Wearing of safety belts is required for all personnel when riding in, or driving City of Tigard vehicles. Prisoners should be belted under normal circumstances. (Refer to G.O. #4.30 for ADA exceptions)

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(b) Under normal operations, Officers will drive in a courteous, defensive manner and obey laws governing the use of motor vehicles.

(c) The following code designations are established to prescribe specific priorities and acceptable procedures for patrol unit (operational) responses:

1. Routine Response (**Code One**): Prompt, safe response to routine calls without the use of emergency lights or siren while obeying all traffic laws and ordinances.

2. Immediate Response (**Code Two**): Situations requiring immediate attention which may necessitate the use of emergency lights augmented by the occasional use of horn or siren. This response is utilized to facilitate the safe passage of the police vehicle through traffic. This type of response is only authorized in those types of situations when it reasonably appears to the operator that the use of either or both would prevent or hamper the apprehension or detection of a violator of a statute, ordinance, or regulation, as authorized by ORS 820.320.

3. Emergency Response (**Code Three**): Critical situations demanding emergency response necessitating the use of emergency lights and siren. The criteria for responding code three shall be as follows:

(a) A critical situation when an officer's life or safety is in peril and immediate assistance is required.

(b) When a situation involves an imminent potential for serious injury to person(s).

(c) The prevention of a crime of violence or a crime of violence in progress.

(d) A serious public hazard.

(e) When a felony has reportedly occurred and the perpetrator is fleeing the scene and a Code Three response will enhance the likelihood of apprehension.

(f) When an officer needs immediate assistance for safety reasons.

704.6.6 RESPONSIBILITIES

(a) Emergency Vehicle Operator Responsibilities:

1. All personnel have a responsibility to obey the law as it applies to emergency vehicles.

2. ORS 820.300 and 820.320 establish conditions, limitations, prohibitions, penalties, and operating procedures for emergency vehicle operators.

3. Department personnel are to familiarize themselves with these statutes and to comply with them.

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4. The provisions of these statutes shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all other persons, nor are they a defense to the operator in an action brought for criminal negligence or reckless conduct.

(b) All command and supervisory officers are charged with giving particular and continuing attention to the driving behavior of subordinates to ensure that they adhere to safe and reasonable driving standards, and adhere to the guidelines in this policy.

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Special Purpose Vehicles

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the authorization, use, and maintenance of the Tigard Police Department's special purpose vehicles.

705.2 POLICY

Special purpose vehicles may be assigned at the discretion of the Chief of Police, and will be of a design, modification and/or configuration to best accomplish its designated purpose.

The department's special purpose vehicles are to be maintained and operated in accordance with Policy 704 Vehicle Maintenance. Only those members of the department who have been assigned a specialty vehicle, or who have received prior approval from a supervisor, and have valid driving privileges will be authorized to operate listed vehicles.

705.3 DEFINITIONS

DARE vehicle - Assigned to the School Resource Officer responsible for maintaining the DARE program.

GREAT vehicle - Assigned to the Youth Program Manager.

TPD Golf Cart - For use by department members as authorized by a special event supervisor.

ATV - All-terrain vehicle assigned to the ATV Unit as an extension of the patrol function.

705.4 STATEMENT OF USE

The department's special purpose vehicles listed above provide a positive image for the police department within the community. The DARE and GREAT vehicles are used primarily as on-duty vehicles for their assigned officers. All of the specialty vehicles to include the golf cart may be used during special events, displays, and parades with prior authorization from the Chief of Police or designee.

While these vehicles are equipped with emergency lighting and logos, they are not intended for use during standard police patrol and/or operations. The GREAT vehicle is not equipped with authorized police lighting and sirens and therefore can not be used for emergency response or traffic enforcement. If these vehicles are needed during an emergency, their use may be authorized by an on-duty supervisor. None of the listed specialty vehicles shall be used during police pursuits.

705.5 EQUIPMENT - GENERAL

All special purpose vehicles detailed in this policy are equipped with emergency light packages. With the exception of the golf cart, the specialty vehicles additionally carry police radios and PA systems. The DARE, GREAT, and PIO vehicles shall be equipped with a basic first-aid kit.

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705.6 MOTORCYCLES

705.6.1 OBJECTIVE

Motorcycle officers are utilized for traffic enforcement purposes however they are not limited to that function. They are assigned to special details such as parades, funeral escorts and others as needed. Motorcycles have the unique ability to get through heavy traffic to an accident; to drive the various paved bicycle paths and for display purposes at various law enforcement functions.

705.6.2 INSTRUCTIONS, CONDITIONS AND LIMITATIONS OF USAGE

Motor officers are required to complete an 80 hour DPSST certified motorcycle training class. Although their riding skills are somewhat limited for off road riding, they have the capability when necessary. Motor officers have the discretion to ride during inclement weather except during icy or snowing conditions.

There are no specific limitation placed on the Tigard Police Department motor officers with the exception of daily maintenance and upkeep on their assigned motor, as allowed by TPOA contract. Limitations placed on the use of motorcycles would be the individual officer's inability to ride during certain situations, (such as inclement weather, ice, strong winds, high water, etc.).

705.6.3 AUTHORIZATION FOR USE IN VARIOUS SITUATIONS

A Tigard Police Department motor officer has been authorized, once he/she has completed the basic (80 hour) motor training class, to ride their motorcycle whenever and wherever they deem necessary.

705.6.4 QUALIFICATIONS AND TRAINING

Only officers within the Tigard Police Department who have successfully completed the DPSST approved Basic Motor Officers course (80 hrs) are authorized to ride the motorcycle. In addition they are required to have an Oregon Motorcycle endorsement on their driver's license. After the Basic course a motor officer must ride with another certified motor officer for additional training on conducting traffic stops, officer safety on the highway, etc. for a minimum of 40 hours before being assigned the full time duties of a motor officer.

Officers are encouraged to attend monthly in-service training whenever it is offered, although it is not a specific requirement that they do so. If monthly in-service training is not attended, the officers are encouraged to attend quarterly in-service training and/or other DPSST approved training when it is offered. Every effort will be made to ensure that the motor officers have the opportunity to improve their riding skills as frequently as possible. Riding skills that are taught and learned at the Basic Motorcycle class diminish in time if no refresher training is attended. These are learned skills and with enough training and practice become instinctive under certain conditions.

An annual training conference sponsored by the North American Motor Officer's Association provides a minimum of 16 hours additional training and motor officers are allowed to attend on duty time when scheduling permits.

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705.6.5 CONDITION AND MAINTENANCE

Motorcycles are individually assigned to the officers who ride them. It is their responsibility to ensure that the motorcycle is inspected on a daily basis and that maintenance is done in accordance with the manufacturer's specifications. The motor officer may, in accordance with the TPOA contract, change the motor oil and filter, air cleaner and spark plugs. They are required to repair/replace miscellaneous bulbs and fuses when necessary. A vehicle inventory list is provided to the motor officer and must be completed prior to the start of each shift unless on a specific assignment. (i.e. parade detail, etc.)

The Traffic Sergeant is responsible to ensure that assigned motorcycles are maintained in accordance with department policy and the manufacturer's specifications. The Traffic Sergeant reports to the Day Shift Watch Commander (Lieutenant).

705.6.6 EQUIPMENT

Emergency lighting equipment and radio are provided on each motorcycle and no changes are allowed unless specific authorization has been received by the Traffic Sergeant. Changes to the emergency lighting equipment will be made to improve officer safety when a better product is provided. All of the department's motorcycles are set up identical to one another so that if an officer is required to ride a different motorcycle, all the equipment operates the same and the switches are in the same location.

Issued equipment for each motorcycle:

- Flash light
- Digital Camera
- Metal clipboard and report forms
- Video system
- Tool kit (supplied by manufacturer)
- 2 sets of keys
- Laser and moving radar units when available

705.6.7 PERSONS AND/OR POSITIONS AUTHORIZED TO OPERATE THE MOTORCYCLE

Officers of the Tigard Police Department who have successfully completed the DPSST approved Basic Motor Officers course (80 hrs) and have been assigned as a motor officer as part of their daily duties are authorized to ride the motorcycle. Officers who have received certification but are no longer assigned a motor as part of their duties may ride a department motorcycle in an emergency.

705.7 BICYCLE PATROL

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705.7.1 OBJECTIVE

Bicycle patrols are utilized for various patrol functions, the purpose of which necessitates the advantages of slow speed, increased observability, and overall mobility.

705.7.2 OPERATIONS

Bicycle patrols primary responsibilities will be:

- Enhance citizen/police interaction
- High visibility patrol
- Apprehension of criminals
- Patrolling areas not accessible to vehicles
- Bicycle safety & educational activities

Areas to be patrolled by bicycle:

- City of Tigard parks
- Washington Square parking lots
- Main Street business district
- Special details as assigned
- Residential neighborhoods

Bicycle patrols will be assigned on an as-needed basis. When assigned to calls, bicycle officers will complete all necessary reports and appropriate follow-up investigations. As manpower permits, bicycle officers may be assigned to the following activities:

- Patrol of the above listed areas
- Patrol of Transit Centers, and enforcement of Tri-Met rules and regulations at these centers located within the City of Tigard
- Enforcing parking ordinances
- Enforcement of camping ordinances in the City parks
- Enforcement of camping and public drinking ordinances in the Main Street business district
- Tigard Festival of Balloons
- Parades
- Any incident where a bicycle response would be more effective

705.7.3 UNIFORM & EQUIPMENT

The uniform to be worn and required equipment will be as follows:

- Department issued DOT approved bicycle helmet

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- Police uniform shirt with badge and name tag
- Body armor
- Department shorts or pants
- Navy socks
- Footwear suitable for walking, running, and operating a bicycle
- Gun belt, duty weapon, spare ammunition, radio, handcuffs, pepper spray, ASP baton and flashlight during hours of darkness
- During hours of darkness, bicycles will be equipped with a white headlight and a red rear light. Exceptions will be made for covert operations.

Officers working a non-uniform assignment will have their attire approved by the on-duty supervisor. A DOT approved helmet will be worn at all times while operating a police bicycle.

705.7.4 AUTHORIZATION, TRAINING AND GENERAL MAINTENANCE

Only personnel who have completed a department approved training course are authorized to use police bicycles. Officers assigned to bicycle patrol will receive a minimum of 32 hours of approved police bicycle training (recommended length of basic training by the International Police Mountain Bike Association).

Bicycle officers will report to the on-duty supervisor for assignments.

The operator of the bicycle will be responsible for the general maintenance of the bicycle. Minor repairs to the bicycle should be done by the operator, if possible. If this is not possible, the bicycle will be taken to a bicycle shop for professional repair.

When not in use, the patrol bicycles will be stored in a secure Police Department storage facility.

705.8 ATV UNIT

Police ATV patrol is an extension of the patrol function and as such officers will perform the duties of regularly assigned patrol officers, with the exception of prisoner transports. Officers assigned to ATV Patrol can provide mobility and accessibility not available in automobile patrol.

These vehicles have the operational parameters similar to those utilized in bicycle type patrols, however only department personnel who have completed an approved ATV operator or instructor training may operate the vehicles.

The objectives for the use and operation of the ATVs include, but are not limited to:

- Provide park patrols for crime suppression and prevention.
- Patrol other areas inaccessible to vehicles.
- Encourage closer community contact, interaction, coordination, and integration into the agency's community-oriented policing philosophy.
- Provide an alternate means of police service delivery to the community.

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- Promote safe riding practices for ATV riders, and generally educate the public about ATV use.

Only officers and employees who have successfully completed the ATV safety and operation course approved by the Chief of Police may operate the department ATVs. There is no requirement for additional training on the use of this vehicle.

705.8.1 SCHEDULED ATV PATROL DEPLOYMENT

The Watch Commanders may assign a Patrol Officer (trained and certified as a ATV Patrol Officer) to ATV Patrol Duty, subject to the directions of the Patrol Division Commander and the daily manpower resources. All deployment of these vehicles shall be in pairs whenever manpower allows.

705.8.2 NON-SCHEDULED ATV PATROL DEPLOYMENT

Watch Commanders may at any time deploy ATV patrol beats in the downtown, the parks, or other areas of the City, as the need exists; call load, and available manpower permits. Watch Commanders, at their discretion, will have authority to utilize and schedule ATV patrol within the following guidelines:

On any shift, under any light conditions, during any season of the year. Generally, outside temperatures should be above 50 degrees.

The ATV patrol officer may be assigned a portion of a patrol beat, or otherwise assigned to a special detail. The officer will be responsible for handling calls for service in his/her assigned portion of a patrol beat. An exception may be made for emergency calls occurring while the officer is on an ATV. If staffing permits, ATV patrol may be specially detailed to operate in targeted crime areas; business/apartment areas; special events such as parades, carnivals, sporting events, etc.

Prior to such deployment and assignment, the Watch Commander shall examine the need for such deployment and consider whether such factors as:

- The existence of a number of separate locations, each of which could logically be patrolled on foot but would be too small to justify a foot beat.
- The need for patrol of parks, trails, or other terrain not suited for conventional patrol cars.
- Requirements for parking enforcement, control of loitering in off road locations, or fast response time.
- Available staffing.

705.8.3 ATV PATROL OPERATIONS GENERAL GUIDELINES

The ATV Patrol officer will be assigned a shift and beat as described unless otherwise given a special assignment. ATV Patrol officers are responsible to respond for all calls for service in the assigned beat. They shall carry on the ATV; a minimum of a flashlight, a citation book, report forms, an AED device and other equipment necessary to properly conduct normal duties.

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The ATV is to be utilized in a manner to promote community-oriented policing. It is designed to patrol areas inaccessible by motor vehicles, such as parks and/or trails. Further, it may be used to patrol apartment complexes, business areas, and other places conducive to ATV Patrol. The Watch Commander may also utilize the ATV Patrol officer to operate in high crime areas or those locations requiring constant but mobile attention (sporting events, parades, festivals or carnivals etc.).

ATV Patrol Officers may be deployed on the vehicles from the Police Station to the field. While city code authorizes the use of ATV's on the roadway, this shall be kept to a minimum and ATV's shall be transported by trailer whenever practical. When operated off-road, operators must use groomed trails and bike paths whenever possible. Operators are always to be mindful of any environmental damage which may be done in the course of police operations. Any damage that occurs shall be reported to the Parks Dept. for whatever remediation is deemed necessary. If an Officer must leave an ATV unattended, he/she shall secure the ATV. Traffic stops will not typically be made using the ATV. The ATV will not be involved in pursuits of motor vehicles, and will not be used for the transportation of subjects to include arrested violators. The ATV patrol can be both an enforcement tool and an effective method of reflecting the Community Oriented Philosophy of the Department.

Only those officers assigned to ATV patrol will be authorized to use the police ATV. Officers normally will not be assigned to conduct ATV patrol during inclement weather such as freezing rain/fog, or other conditions that are not safe for the officers. If weather conditions improve, the officers may resume ATV patrol with the approval of the Watch Commander. In special operations, the ATVs may be used in inclement weather as directed by the Watch Commander based on needs of the department.

The operation of the ATV shall be in accordance with all applicable State of Oregon laws and City of Tigard ordinances.

The designated ATV unit sergeant will be responsible for the condition and maintenance of the ATV units.

705.8.4 ATV PATROL UNIFORM POLICY

Officers performing ATV patrol duties in any capacity shall wear the designated ATV uniform and will always wear the department issued ATV helmet and eye protection at all times when actively engaged in ATV patrol. If the ATV officers are on the roadway directing traffic or performing other related duties, issued safety vests are to be worn.

705.8.5 REPORTING REQUIREMENTS

Every malfunction or mechanical failure must immediately be reported to the on-duty supervisor. If the malfunction or failure affects the vehicle's ability to perform at any level, it must be taken out of service for repair. The on-duty supervisor shall make notification to the ATV sergeant and the vehicle shall be prominently marked that it may not be used until repaired.

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At the end of each shift, every operator shall complete a data sheet that will include the scope of the assignment, the area and times of patrol, and all relevant police contact information including any police action taken while utilizing these vehicles. These data sheets will be turned into the ATV sergeant who will maintain them in a file and prepare a monthly summary report, through channels, to the operations captain.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The department utilizes City owned motor vehicles in a variety of applications by multiple personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of City owned vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

706.2 USE OF VEHICLES

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the computer system, indicating their respective vehicle number when going on duty. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The shift sergeant shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Assigned employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their assignment to that vehicle. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor.

All vehicles used in patrol operations are equipped with a radio and emergency equipment as defined by Oregon Revised Statutes 816.250 and Oregon Administrative Rules 735-110-0010 through 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than scheduled field duties shall first notify the Patrol Lieutenant of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., Command Staff, Detectives), or to Property personnel assigned transportation duties to and from other facilities. Property personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

706.2.3 UNDERCOVER VEHICLES

Undercover units shall not be used without first obtaining approval from the respective unit supervisor.

706.2.4 SUPPORT SERVICES DIVISION VEHICLES

Support Services Division vehicle use is restricted to Detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. Support Services Division

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personnel shall record vehicle usage via the "Sign-out Log" maintained in the Support Services Division. After hour use of Support Services Division vehicles by personnel not assigned to the that division shall be recorded with the Patrol Lieutenant on the Shift Roster.

706.2.5 AUTHORIZED PASSENGERS
Personnel operating City owned vehicles shall not permit persons other than City employees, persons required to be conveyed in the performance of duty, or as otherwise authorized to ride as a passenger in their vehicle.

706.2.6 PARKING
City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.2.7 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 ASSIGNED VEHICLE AGREEMENT

City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on duty.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance (The department will provide necessary care/maintenance supplies).

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.3.1 VEHICLES SUBJECT TO INSPECTION
All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicles shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 SECURITY

Employees may take home City owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

(a) The employee lives within a 15-minute (rules of the road obeyed) response time of the Tigard City limits.

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1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 30 minutes.

(b) Off-street parking shall be available at the employee's residence.

(c) Vehicles shall be locked when not attended.

(d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in a department approved mount or properly secured in the residence when the vehicle is not attended. The Firearms Coordinator and/or the Division Commander will approve all long-gun and kinetic energy mounting and storage.

(e) When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored at the department at the employee's residence if a secure garage is available.

706.4.1 KEYS

All uniformed field personnel approved to operate marked police vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.5 ENFORCEMENT ACTIONS

Officers shall not become involved in enforcement actions when driving an assigned vehicle to and from work outside of this jurisdiction except in circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.6 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

1. Employees may use the wash racks at the Police/Fire Facility or City Yards (Trusties may be used to clean vehicles, when available).
2. Cleaning/maintenance supplies will be provided by the Department.

(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

(c) Supervisors shall make, at the minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

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(d) Routine maintenance and oil changes shall be done in accordance with the Maintenance Shop schedule. The vehicles will normally be serviced at the Maintenance Shop.

1. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a supervisor.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Assigned Vehicle Program manager.

706.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE

When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the Chief of Police or his/her designee shall make a determination on who will handle the investigation.

The employee involved in the collision shall complete the City's vehicle accident form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately, reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.

An administrative investigation will be conducted to determine indications of vehicle abuse and misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

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Bait Car Policy

707.1 PURPOSE AND SCOPE

The purpose is to establish guidelines for the proper setup, deployment and maintenance of the department's bait car program and any criminal investigation that may result from a bait car activation.

The Tigard Police bait car program is designed to provide a method for the successful apprehension of suspects relating to theft from vehicles. A special vehicle, specifically equipped to detect entry, will be placed in designated areas experiencing high levels of these crimes. A silent alarm is broadcast on police communications channels to provide a rapid response. A specific item will be placed in the vehicle to provide the bait for the theft. This item will be equipped with a special electronic tracking device that can be followed by responding patrol units, possibly leading to the suspect and increasing the chances of a successful arrest.

All requests for deployment and all actual deployments of this vehicle will be recorded in a database or related information to include but not limited to:

- Location
- Time period deployed
- Bait item used
- Time of activation
- If activation was valid
- Arrival time of first unit
- Suspect information

707.2 DEFINITIONS

Supervisor - The Commercial Crimes Unit Sergeant is assigned to supervise the electronic surveillance equipment. Together with CCU team members, they will manage all aspects of the electronic surveillance technology including the bait car program.

Bait Car - A vehicle designated by department to be placed in high vehicle property crime area for the purpose of apprehending criminals responsible for theft from vehicles. Vehicle will be equipped with special electronic theft detection systems.

Radio Alarm - An alarm system that detects the doors or trunk opening and plays a prerecorded message indicating activation on the primary dispatch channel. Commonly referred to as a Sentinel, Varda or PAT alarm.

TAG/ETS - Electronic Tracking System or "ProNet." Refers to the electronic tag placed in a bait item and the vehicle and hand held systems used to track the tag. Primarily used in a bank robbery, however it is movable and can be deployed in almost any piece of equipment or vehicle.

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Yankee Unit - Radio term to describe a patrol vehicle equipped with an ETS tracking system.

35B "Baker" - WCCCA radio code used to describe or refer to a "Bait Car" or bait car activation.

Digital Video Recorder (DVR) - An electronic device that records video onto a hard drive or media card. This video is then transferred via a network cable connected to another computer equipped with a CD or DVD burner. Related video files can then be burned to this media as evidence.

Supervisor Packet - When the bait car is deployed a packet will be prepared for each shift to be carried by the on-duty supervisor. This packet will contain the operational guide, alarm deactivation and reset instructions, and a list of all bait items with photographs.

707.3 DEPLOYMENT

A target location will be determined by one of several ways. A patrol officer may request bait car deployment in writing to their supervisor, who will forward the request to the CCU Sergeant; any member of the Department recognizes a need for placement in a target area; Command staff requests deployment in target area; or an area is identified via crime mapping. Final determination will be made by the CCU Sergeant.

Any requests for deployment will be reviewed and logged by the CCU Sergeant. The CCU Sergeant will make a recommendation to deploy or not deploy the bait car. The original requester will be notified of the result.

Once a target location is determined, the vehicle will be prepared for deployment by the CCU team members. The CCU Sergeant will prepare required notifications and distribute them to area agencies and dispatch and within the Department as required. Three supervisor packets will be prepared and marked for each shift. The vehicle will be covertly deployed and left unlocked with bait items set and in view. The radio alarm will be activated and all team members will leave the area. The vehicle will remain deployed until a successful activation or the end of the preset deployment period, not to exceed seven days in one location due to battery limitations.

Each shift supervisor will ensure that the maximum number of cars with tracking systems are in service for the duration of the deployment.

If there is a successful activation, the on-duty supervisor will notify the CCU Sergeant or designated team member so the vehicle can be transported back to the Police Department or City shops where it will be secured. Depending on the urgency of the activation the CCU Sergeant or designated team member will process for any evidence removal (i.e. video files from DVR). The vehicle will be prepared for the next deployment as designated by the CCU Sergeant.

At the end of the preset deployment period with no successful activations, the CCU Sergeant or designated team member will arrange to deactivate the radio alarm and move the bait car back to the Tigard Police Department for preparation for redeployment.

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707.4 ACTIVATION

In the event of a radio alarm activation, patrol officers and dispatch will hear a prerecorded message indicating if the activation is vehicle doors or trunk. The message will be played twice and then the system will reset/realarm itself.

If the activation is a door, officers should respond as if the call was an alarm on a theft in progress, responding officers should be prepared for an ETS tag activation. Any available patrol cars equipped with ETS tracking equipment should respond to the area and prepare to track any signals that are available.

If the alarm indicates trunk activation, then the vehicle trunk has been opened and the electronic systems are vulnerable to theft. To minimize theft of departmental equipment, responding officers should respond to the scene quickly and safely as possible. The VARDA alarm is stored in the trunk under the spare tire cover and not secure once the trunk has been opened. The remainder of the call should be handled as a normal bait car activation.

If there is no broken glass, the primary officer shall notify the CCU Sergeant in writing of the failed door alarm with a copy to that officer's supervisor. If there is glass broken, the on-duty shift supervisor shall notify the CCU Sergeant or designated team member who will then make arrangements for the vehicle to be returned to the station or shops. An attempt to provide weather protection should be made.

The radio alarm may broadcast a low battery message when the system's internal battery is almost depleted. The on-duty shift supervisor shall contact the CCU Sergeant or designated team member so the vehicle can be removed from the area.

707.5 RESPONSIBILITIES

Patrol Officer

The primary dispatched officer is responsible for the call and the resulting investigations. It is the responsibility of the primary officer to respond directly to the bait car and provide crime scene security. The primary officer shall immediately determine what if any crime has been committed (UEMV, criminal mischief or theft) and notify other units. The primary officer shall immediately determine if the bait items have been taken and will notify other responding officers.

During City Net hours, patrol officers are encouraged to "scan" the South City 1 for any radio alarms.

In the event of an ETS signal or "hot tower" but no radio alarm, officers shall track the signal as outlined in the ETS policy. An officer not equipped with ETS tracking equipment should respond to the bait car location to verify if there has been a malfunction with the radio alarm. If this is the case, the CCU Sergeant or designated team member shall be notified so the vehicle can be removed from the area.

Cover officers will respond to the area and assist with containment. A cover officer may handle containment deployment. Any ETS equipped vehicles will prepare for and handle all ETS tracks

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per ETS policies. Once the bait item is recovered, the tag shall be disabled according to provided instructions. Cover officers will assist in the investigation as required.

If the ETS track leads to the bait car and the bait items are still in the car, the officer should consider that they may have been moved within the car by the suspect and that this a valid activation. Refer to the operation guide for photos of the exact deployed locations. The tagged item or items need to be disabled or reset per the operation instructions.

Shift Supervisor

The VARDA alarm is designated to reset itself after a short period of time once it's been activated. The vehicle needs to be checked for glass breakage and to determine if the tagged items have been removed. The on-duty shift supervisor is responsible for coordinating securing the resetting the vehicle if a false alarm occurs. The shift supervisor if responsible for coordinating the removal of the vehicle from the scene and securing it at the station or shops in the event of an activation or damage. The shift supervisor should consider using covert options while moving the vehicle to avoid revealing the identity of the bait car.

The on-duty shift supervisor shall ensure that at least two ETS equipped vehicles are in service at all times when the bait car is deployed. This may require officers using vehicles other than the one specifically assigned. This may also require transferring to another vehicle at the end of the day shift or swing shift. In the event that there are no ETS equipped vehicles available for in field use, the shift supervisor shall immediately notify the CCU Sergeant or team member designated and make arrangements to remove the bait car from service.

The on-duty shift supervisor shall request that dispatch monitor South City 1 for the radio alarm during hours of City net use. The shift supervisor may also consider carrying a second radio set to South City 1 to ensure monitoring during the hours City Net is in use.

The shift supervisor shall notify the CCU Sergeant or designated team member when there are any activations or malfunctions with the bait car.

Equipment, planning and vehicle preparations:

The CCU Sergeant is responsible for all pre-deployment planning and vehicle preparation; maintenance of equipment; all notifications; logging of requests, deployment, activations and arrests; training to officers and supervisors; and to provide expert testimony relating to the any alarm and tracking systems installed in the vehicle or bait items.

707.6 CONFIDENTIALITY

The bait car program is considered an undercover operation. Accordingly, all personnel shall exercise caution in order to protect its confidentiality.

Employees shall not reveal the vehicle's description, number of vehicles, deployment locations, and/or other information that may compromise the vehicle's undercover status or enable a suspect to neutralize its alarm and disablement features.

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Particular care should be exercised when discussing the vehicle's capabilities with suspects who have been arrested during an activation. Except where necessary to process an arrest and initiate prosecution, disclosure of operational information to defendants and/or defense attorneys shall occur only through the formal discovery process administered by the District Attorney's Office.

Use of the term "bait car" on the police radio or in any conversation that may be overheard by the public is prohibited. The radio code 35B (35 Baker) shall be used in its place per current WCCCA policy.

707.7 TRAINING

Because the bait vehicle is a standard automobile with no unique driving features, special training is not required to transport the vehicle from one location to another. Any employee with a valid driver's license and authority to operate a police vehicle may drive the bait vehicle with prior approval from any supervisor with notification made to the CCU Sergeant as applicable.

No employee may set or adjust the vehicle's sensors, cameras, alarm systems or bait items unless specifically trained to and directed to do so by the CCU Sergeant.

General training on how to reset the alarm and tags and how to disable the alarm and tag after a valid activation will be provided by the CCU Sergeant or designated team members to all supervisors and any others that may be involved in an activation.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.1.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Records Section for distribution to all divisions within the department through daily and special bulletins.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Regional Justice Information Network (RegJIN)
- Uniform Crime Reporting (UCR) data
- Oregon Department of Transportation
- Oregon Traffic Safety Commission
- LINX

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors

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- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Youth Courts

801.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures that will be utilized in the handling and processing of juvenile custody reports and referrals. Additionally, it outlines the specific responsibilities of Police Officers, the Youth Services Programs Specialist (YSPS), and the Records Section when dealing with all juvenile cases.

801.2 POLICY OF DEPARTMENTS

There are two entities that delegate juvenile cases to the Tigard Peer Court. Those entities are the Washington County Juvenile Department and the Tigard Municipal Court. The Washington County Juvenile Department has ultimate authority over what venue may hear a juvenile case and what type of cases may be deferred or allowed to proceed in a diversion program.

801.2.1 WASHINGTON COUNTY JUVENILE DEPARTMENT

The Juvenile Department maintains overall responsibility for all juvenile cases and will specifically authorize what cases may be heard by the Tigard Municipal Court and by the Tigard Peer Court. Copies of all juvenile related cases are sent to the Washington County Juvenile Department. Coordinators for the Tigard Municipal Court and the Tigard Peer Court must contact the Washington County Juvenile Department and seek permission to hear cases in their venue. Although there is an established list of crimes and status offenses that are typically deferred, permission must be obtained for each individual case.

All juvenile cases involving lodged custodies, or when directed by the juvenile authority, will be directly referred to the Washington County Juvenile Department.

801.2.2 TIGARD MUNICIPAL COURT

The Washington County Juvenile Department has authorized the Tigard Municipal Court to hear approved juvenile cases. This allows the local community the opportunity to work with its juvenile offenders. Tigard Municipal Court is authorized to handle all juvenile misdemeanor crimes; except for reckless burning, and drug and alcohol cases. Tigard Municipal Court may also handle traffic and non-traffic infractions, as well as status offences. To be referred to the Tigard Municipal Court the offender must be 14 to 17 years of age, a first time offender, and reside within Washington County. In most cases, the Tigard Municipal Court will receive referrals from the Youth Services Program Specialist (YSPS). These referrals will typically be overflow cases from the Tigard Peer Court or cases that do not qualify for the Tigard Peer Court diversion program.

801.2.3 TIGARD PEER COURT

The Tigard Peer Court is a diversion program whereby youth that have committed first time misdemeanors, violations, status offences, and some traffic infractions are judged through a court system of their peers. Peer Court is not a court where youth offenders are found innocent or guilty. Instead, Peer Court is a diversion program for youth offenders to receive sanctions from their peers after admitting culpable responsibility for their offenses. Juveniles that wish to challenge

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their involvement are not eligible for Tigard Peer Court. Those contested cases will be referred to the Tigard Municipal Court or to the Washington County Juvenile Department where they have that option.

The advantage of going to Tigard Peer Court is that a juvenile's criminal record (for that particular offence) will be expunged upon successful completion of the Tigard Peer Court program. Juveniles that fail to comply with the Peer Court program, or fail to complete all aspects of their sentence, will be referred to the Washington County Juvenile Department or to the Tigard Municipal Court for prosecution.

The ultimate goal of the Tigard Peer Court is to deter youth from committing additional offenses through education and accepting responsibility for their actions. The criteria for a juvenile to be referred to Peer Court are as follows:

(a) Offender is 12 to 17 years of age

(b) First time offender

(c) Has committed a misdemeanor, violation, status offense or minor traffic infraction

(d) Admission of guilt

(e) Positive attitude

(f) Voluntary agreement to take part in the Peer Court process

Offenses heard in Peer Court are:

(a) Minor traffic infractions

(b) Theft II, Theft III

(c) MIP Alcohol, Marijuana, Tobacco

(d) Possession of Marijuana within 1000' of a school

(e) Criminal Mischief II / III

(f) Curfew

(g) Criminal Trespass II

(h) Harassment / Telephonic Harassment

(i) Initiating a False Report

(j) Unlawful Entry into a Motor Vehicle

(k) False Information to a Police Officer

(l) Disorderly Conduct

(m) Misconduct with Emergency Phones

(n) Reckless Endangering

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(o) Reckless Burning (requires referral and evaluation by local Fire Department)

(p) Criminal Possession of rental / leased property

(q) Misrepresentation of Age by Minor

(r) Offensive Littering

(s) Assault IV

801.3 PROCEDURE

Officers Juvenile incidents resulting in an arrest will be handled in accordance with Tigard Police Polices: 321.6.4 (Juvenile Offenders) and 324 (Temporary Custody of Juveniles). In cases where the juvenile offender is not lodged (by direction of the Washington County Juvenile Department), and the offense is not traffic related, Officers will complete a Tigard Police Custody report and provide the juvenile offender with a completed Tigard Youth Referral Information form. The juvenile offender will be released to a responsible adult unless otherwise directed by the Washington County Juvenile Department. The custody report will serve as an official referral from the Tigard Police Department and the appropriated venue will be determined by the Tigard Police Youth Services Program Specialist (YSPS). The juvenile offender (and responsible adult) will be contacted at a later date with instructions/requirements on how to proceed with their case.

All traffic related offenses require a written citation as the charging instrument. No custody report is needed unless the traffic offense rises to the level of a crime. See Tigard Police Policy 420.5 (Juvenile Citations).

Youth Services Program Specialist (YSPS) The YSPS acts as the youth court coordinator for the Tigard Police Department and is responsible for the screening and venue recommendation for cases involving juvenile arrests. The YSPS (or designee) may conduct an initial records check to determine if a juvenile offender is eligible for diversion. The next step in the diversion process is to contact the Washington County Juvenile Department and determine which of the three mentioned juvenile courts will handle the case in question. If Tigard Youth Courts are granted permission to proceed with the case, the YSPS will coordinate the referral and the Washington County Juvenile Department will receive a copy.

Records Once a case involving the arrest of a juvenile is received by the Records Unit, the case will be handled in accordance with Tigard Police Polices: 806 (Records Section Procedures), and 810 (Records Release and Security). The YSPS will be given a copy of all cases involving the arrest of a juvenile. The YSPS will then make a determination (in conjunction with permission from the Washington County Juvenile Department) as to where the case will be heard. The YSPS will then attach a venue decision and forward the case back to the Records Unit where all necessary data entry and dissemination will occur. Once the venue decision is made, the Washington County Juvenile Department will receive a copy of each juvenile arrest case €" regardless of which court will be hearing the case.

All cases involving juveniles that are lodged, or as directed by juvenile authority, (indicated in the custody report) will be forwarded directly to the Washington County Juvenile Department. These

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cases may not be considered for diversion and the Washington County Juvenile Department requires a copy of all reports within 24 hours of the juvenile's incarceration.

Peer Court Process If a case meets the criteria to be heard in Peer Court, the YSPS will be responsible for contacting the defendant's parents (or responsible adult) to explain the Peer Court process. It is the discretion of the YSPS to determine if the case will be heard in Peer Court. For those going on to Peer Court, a date will be set for the hearing and an information packet will be provided. The YSPS will schedule all Peer Court cases and ensure the participation of all volunteer youth (Peer Court Body) and volunteer adults (Judges and Supporting Staff). When possible, a uniformed police officer (typically a School Resource Officer) will be present to provide court security and to assist as needed.

For all Tigard Peer Court cases the YSPS will keep records of each individual Peer Court case and report each outcome to the Washington County Juvenile Department. If the offending youth successfully completes all aspects of the Peer Court program, the YSPS will notify the Washington County Juvenile Department, along with the Tigard Police Records Unit, and request expungement of the criminal record. If the offending youth does not complete the Peer Court process, the YSPS will forward the case to the Washington County Juvenile Department or to the Tigard Municipal Court for prosecution.

The following Tigard Peer Court sanctions are possible:

- Community service up to 40 hours
- Write essays concerning the offense up to 1000 words
- Write apology letters up to 400 words each
- Restitution up to $50.00
- Sit as a jury member in future cases; 1 appearance is mandatory
- Attend Traffic School
- Attend diversion classes such as anger management, theft talk, etc.
- Reckless Burning cases require diversion to a local fire department for evaluation and education
- Alternate sanctions may be possible, as approved by the Peer Court Judge and the Washington County Juvenile Department.

801.4 MEMORANDUM OF UNDERSTANDING

The memorandum of understanding (MOU) between the Washington County Juvenile Department and the Tigard Peer Court will be reviewed annually to ensure compliance and to make any required changes. The YSPS will prepare an annual memorandum (to be submitted with the MOU) to the Services Division Commander that includes the following:

- The number of Tigard Peer Court cases heard

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- A tally of the specific offenses
- Number of successful completions
- Number of cases (unsuccessful) sent back to the Washington County Juvenile Department for prosecution
- a tally of the sentences that were imposed.

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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. The Property/Evidence Section is responsible for intake, storage and disposal of all property received. The Property/Evidence Section will maintain an accurate and complete record of all property that comes into its custody.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

The employee who recovers evidence or finds property is responsible for transporting and booking, except when that responsibility is assumed by or assigned to another employee. Care should be taken to maintain the Chain of Custody of all evidence. When not specifically addressed by this manual, collection and handling of all property and evidence should follow the guidelines established by the *State of Oregon Physical Evidence Manual*. All items to be submitted into Property/Evidence must be listed on a property receipt prior to acceptance.

Employees will provide a receipt (yellow copy of property/evidence receipt) for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking into evidence. The property evidence receipt must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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(a) Complete the property evidence receipt describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Properly package or tag the property as indicated in this policy below.

(c) Once items are booked on a property evidence receipt and properly packaged, place all packages in the temporary evidence lockers found in the evidence processing room and secure with a lock or, for smaller packages, place in the evidence door locker "D".

(d) When the property is too large to be placed in a locker, the item may be taken to the off-site evidence storage (Burnham Storage Units, F28 or F29). Indicate on the completed property evidence receipt the off-site location in which the property was placed and place the key in locker "D".

(e) The original property evidence receipt (white copy) shall be submitted with the case report. The pink copy shall be placed with the property in a temporary evidence locker or with the property if property is stored some where other than an evidence locker. The manila copy shall be placed in the property/evidence mailbox.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate property evidence receipt.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

804.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Specialist is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker

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(b) License plates found not to be stolen or connected with a known crime, require a property evidence receipt. Once submitted, the Property/Evidence Specialist will make arrangements to return the plates to the Department of Motor Vehicles.

(c) All bicycles and bicycle frames require a property evidence receipt. Completed property tags will be securely attached to each bicycle or bicycle frame. The property will be placed in the off-site evidence storage unit F29.

(d) All cash shall be counted in the presence of a supervisor and the currency pouch initialed by the booking officer and the supervisor. The Patrol Lieutenant shall be contacted for cash in excess of $1,000.

(e) Officers shall use the bill counter located in the evidence processing room to accurately count all bills and to detect any counterfeit bills. If counterfeit bills are found, these shall be packaged and listed separately on the property and evidence report with the indication that they were detected as being counterfeit. The property and evidence report with the counterfeit bills should state in the narrative if the bills can be immediately released to the U.S. Secret Service or clarify the need to retain for other follow-up.

City property, unless connected to a known criminal case, shall be booked on a property evidence receipt prior to being released directly to the appropriate City department. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 181.805. The Property and Evidence Specialist will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

804.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The Tigard Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

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The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Services Division, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

(a) Respond promptly to the medical facility to retrieve the evidence.

(b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

(c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.

(d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

SAFE Kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

Where the identity of the sexual assault victim is not disclosed, a SAFE Kit and related evidence should be retained for 25 years, unless directed otherwise by a Services Division supervisor. However, in all cases such evidence shall be retained for a minimum of 180 days (ORS 147.397).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.

(c) Property with more than one known owner

(d) Paraphernalia as described in ORS 475.525(2)

(e) Fireworks and other hazardous materials

(f) Contraband

(g) Currency

804.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size and type. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal. The case number, property evidence receipt

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number, contents, date and time or recovery, location of recovery, recoverer's name, type of crime, and suspect, victim or owner's name (if known) shall be written on the outside of the packaging.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted into property evidence; however when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged for submittal in an envelope or package of appropriate size available in the evidence processing room and sealed with evidence tape. The booking officer shall initial and date across the seal. Narcotics and dangerous drugs shall not be packaged with other property or associated paraphernalia, these items must be packaged and labeled separately for processing.

Prior to packaging for submittal, all narcotics and dangerous drugs shall be weighed using the scale located in the evidence processing room. Weights may be measured in grams or ounces depending on the substance being weighed. Indication of the weight shall be clearly made on packaging for submittal and noted correspondingly on the property and evidence report. This indication shall include:

(a) Whether the weight includes the packaging or not (gross or net weight).

(b) A description of the packaging if it is included in the indicated gross weight (for example. "3*.2 grams of green leafy vegetable matter, suspected marijuana w/Altoids box*")

804.4.3 TESTING, WEIGHING AND PACKAGING OF METHAMPHETAMINE CONCEALED IN LIQUID

Special attention shall be given to the testing, weighing and packaging of methamphetamine concealed in liquid. Gloves shall be used at all times when handling this substance.

To test suspected methamphetamine concealed in liquid, the following steps must be followed:

(a) Put on a set of new gloves

(b) Mix liquid if possible

(c) Using a long sterile cotton swab, dip tip 1/4" into the liquid and remove

(d) Let the swab used air dry for at least 30 seconds

(e) Using a set of scissors, clip the dried tip off the swab into a field test kit marked "*15 Methamphetamine/MDMA Reagent*"

(f) Follow instructions on the field test kit to determine presumptive results

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(g) Once the test results have been determined, the field test kit will be discarded

(h) Note the results and mention the method in your report

The liquid remaining shall then be weighed in its original container using the scale located in the evidence processing room (making an indication of the gross weight and the container weighed on the property and evidence report).

Using appropriately sized green lidded glass containers located in the property and evidence room, weigh the container and the lid while they are empty and record the weight. After transferring the liquid from the original container into the glass container and sealing with the green lid, then re-weigh and process this item indicating the final weight on the packaging and the property and evidence report. Keep the original container the liquid was seized in and package it separately from the glass containing the liquid.

804.4.4 RIGHT OF REFUSAL

Any item submitted to the Property and Evidence Unit that is not properly packaged and/or documented as specified in this policy shall be returned to the submitting employee's direct supervisor or lieutenant for correction. If an item is refused, the Property and Evidence Specialist shall place the item into the smallest safe locker available and attempt to notify the supervisor immediately if possible. If the supervisor is not on duty or otherwise determined to be unavailable, the Property and Evidence Specialist will put the key to that locker in the supervisor's mailbox with the "*Right of Refusal*" form indicating what corrective action is necessary before the evidence will be accepted.

804.5 RECORDING OF PROPERTY

The Property and Evidence Specialist receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored, in the property and evidence database.

Any changes in the location of property held by the Tigard Police Department shall be noted in the property and evidence database.

804.5.1 RIGHTS AND DUTIES OF FINDERS AND OWNERS OF FOUND PROPERTY

The department shall maintain custody of the property while the claimant completes the following procedures and conditions per ORS 98.005(1):

(a) Money or goods must be of monetary value

(b) Owner must be unknown

(c) Finder must give written notice to this department within ten (10) days of the finding that the finder claims the property if an owner is not located

(d) If property is valued $100 or more, finder must notify the County Clerk of the county in which the money or goods was found within ten (10) days after finding

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(e) Finder must cause to be published in a newspaper of general circulation in this county within twenty (20) days of the finding, a notice of the finding. The notice shall be one each week for two (2) consecutive weeks.

Each notice shall state the general description of the money or goods found, phone number, and the final date before which such goods may be claimed.

If no person appears and establishes his/her ownership of the money or goods prior to the expiration of three months after the date of the notice to this department the finder shall be the owner of the money or goods. To claim, finder must produce copies of the newspaper publication.

If an owner of money or goods found by another person appears and establishes his/her claim to such money or goods within the three (3) month time period, he/she shall have the property returned after paying all costs and charges incurred by the finder or this department.

804.6 PROPERTY ROOM SECURITY

Access to the Property and Evidence storage areas is limited to Property and Evidence Specialists and the Property Evidence Supervisor unless visitors are logged in and out; including the time, date and purpose of entry. All personnel entering the Property and Evidence storage areas must be accompanied at all times by a Property and Evidence Specialist.

Annual audits will be completed of the Property and Evidence Storage areas and functions with an audit report given to the Chief of Police.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released, transferred or received, an appropriate entry on the property evidence receipt or in the property evidence database shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator, booking officer or his/her supervisor, or the District Attorney's Office.

Request for analysis of items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence Specialist. This request may be filled out any time after the booking of property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

If an officer wants any evidence taken to the crime lab he/she must complete an Oregon State Police Forensic Services Request form. The completed 3-part form shall be given to the property custodian, usually at the time of submitting the property evidence receipt and packaged evidence, for delivery to the crime lab.

The transporting employee will check the evidence out of property and evidence, indicating the date and time on the property evidence receipt or in the property and evidence database and the request for laboratory analysis.

The Property and Evidence Specialist releasing the evidence must complete the required information on the property evidence receipt or in the property evidence database and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon

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delivering the item involved, the employee will receive a receipt indicating the date and time and the employee to whom it was delivered.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property and evidence database, stating the date, time and to whom released.

Unless otherwise approved by a supervisor, all property and evidence signed out by an employee shall be returned to the department for proper securing in a designated locker within the property management area on the same day it was checked out.

The Property and Evidence Specialist shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to Property and Evidence or properly released to another authorized person or entity.

The return of the property will be recorded in the property and evidence database, indicating date, time, and the person who returned the property.

804.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the Property and Evidence Specialist without further authorization. A Property and Evidence Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property evidence receipt or in the property and evidence database. After release of all property entered on the property evidence receipt The property evidence receipt shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property evidence receipt will remain with the Property and Evidence section. Upon release, the proper entry shall be documented in the property and evidence database.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 60 days after notification to the owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

When the owner is unknown, found property and property held for safekeeping will be held for 60 days.

804.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the written authorization of the District Attorney's Office, the booking officer, the investigator assigned to the case or his/her supervisor.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Property and Evidence Specialist will request a disposition authorization from the District Attorney's Office or the booking officer or the assigned investigator. Care should be taken to ensure there are no

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outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made by the Property and Evidence Specialist upon receipt of an authorized release form. The release authorization shall be signed by the booking officer or investigator or his/her supervisor and must conform to the items listed on the property evidence receipt or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Tigard Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Tigard Police Department may wish to file an interpleader to resolve the disputed claim (Oregon Rules of Civil Procedure § 31) .

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Property and Evidence Section will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Specialist shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and 98.336 govern the disposition of property held by law enforcement agencies.

804.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

Unclaimed Property - Personal property that was seized by the Tigard Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Tigard Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

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804.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

(a) Destruction

(b) Sale at public auction

(c) Retention for public use

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted as directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by a Division Commander, appointed by the Chief of Police, who is not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence storage areas, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence is properly accounted for.

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Records Section Procedures

806.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the current Department Records Section Procedures Manual to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this Department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by our agency's numeric station identification followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-200001 would be the first new case beginning January 1, 2009. The use of the number 2 at the beginning of each case number designates Tigard Police Department within the WCCCA dispatch system.

Officers shall request case numbers through dispatch prior to clearing an incident to ensure that a case number is linked to the CAD incident.

806.1.2 RECORDS RETENTION

All Department records shall be retained and purged in a manner consistent with applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Unit accessible only to authorized Records Unit personnel. Access to report files after hours or when Records Unit personnel are otherwise not available may be obtained through the Watch Commander.

Tigard Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

806.3 ORIGINAL FILES

Original reports shall not be removed from the Records Section without supervisory permission. Photo copies of original reports maintained in the Records Section will only be made by authorized

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Records Section personnel, per ORS 192.340. The Records Section personnel will keep a record of who has received a copy of all reports.

806.4 EXPUNCTION

If the Department receives a court order directing that records relating to a particular person's conviction for any offense be expunged, the order shall be complied with as soon as possible, but no longer than 21 days. Arrest records and associated follow-up reports that relate solely to the person described in the order shall be removed from the file and destroyed in their entirety. If the reports also relate to the investigation or arrest of other persons not described in the court order, any mention of the subject of the court order will be completely removed from the report and replaced with "expunged". Other information such as relative's names, addresses or license numbers, that could be used to identify the subject of the order, shall also be removed. The order applies to all hard copies of the report as well as any electronic versions that may exist on any computer system under the control of the Department.

806.5 ORDERS TO SEAL OR SET ASIDE REPORTS

Court orders to seal or "set aside" reports are to be complied with as soon as possible.

Upon receiving such an order, the hard copy of the report along with the case jacket shall be placed in a an envelope, sealed with tape, and initialed by Records personnel.

Electronic reports subject to the order to seal shall be electronically moved to a separate secure electronic file that is accessible only by the system administrator.

Sealed reports are not to be unsealed unless, and until, the Tigard Police Department receives a subsequent court order that supersedes the original.

806.6 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 Unit personnel to enter such information into the Tigard 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) (Oregon Revised Statutes 181.550).

806.8 RECORDS RETENTION

Police records shall be maintained and retained in accordance with Oregon Administrative Rules 166-200-0005 through 166-200-0145; in which OAR 166-200.100 is specific to the retention of police records, and any other applicable public records law or administrative rule, including the most current edition of the Oregon State Archives Records Retention Schedule which has been adopted by the Tigard City Council.

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Records Release and Security

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Tigard Police Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

Every person has a right to inspect any public record of a public body in this state. The Oregon Public Records Act (ORS Chapter 192) provides that records created by a public agency shall be subject to inspection and release unless exceptions are established by statute. Certain public records relating to law enforcement are exempted as indicated in this policy. The Tigard Police Department will disclose police reports unless the report is exempt from public disclosure under the public records law. Public requests for records of this department shall be processed as follows.

810.3 REPORT RELEASE RESTRICTIONS

The procedures set forth in Policy are to be applied in conjunction with the Oregon Public Records Law and the Bar Press Guidelines.

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this agency shall be made public subject to the following restrictions.

810.4 CRIMINAL INVESTIGATIONS AND POLICE REPORTS

810.4.1 ARREST AND CRIME REPORTS

The record of an arrest or the report of a crime shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information.

(b) The offense with which the arrested person is charged.

(c) The conditions of release pursuant to Oregon Revised Statutes 135.230 to 135.290.

(d) The identity of and biographical information concerning both complaining party and victim.

(e) The identity of the investigating and arresting agency and the length of the investigation.

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used.

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

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810.4.2 INVESTIGATORY INFORMATION

Except as specified in the previous section, Investigatory information compiled for criminal law purposes is exempt from disclosure. The contents of police reports or any other investigatory information shall not be released without the authorization of the detective supervisor in charge of the investigation.

810.4.3 JUVENILE RECORDS

Juvenile records are treated differently from records of adults.

Except as defined in this section, reports involving juveniles are generally confidential and may not be released. Any requests for reports or records involving juveniles not specifically authorized by this policy should be referred to the County Juvenile Department (ORS 419A.255(2); ORS 419A.255(8)).

(a) If a youth is taken into custody under circumstances where he/she could be arrested without a warrant if an adult, or pursuant to an order of the Juvenile Court, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim (ORS 419A.255(7)):

1. The youth's name and date of birth and whether the youth is employed or in school.
2. The youth offense for which the youth was taken into custody.
3. The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted.
4. The identity of the investigating and arresting agency.
5. The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.

(b) Any additional information is kept confidential unless requested by one of the following (ORS 419A.255; ORS 419A.257):

1. Other public agencies for use in investigating or prosecuting cases in which the juvenile in question is somehow involved.
2. Department of Human Services, Child Welfare Division, Oregon Youth Authority or the local Juvenile Department.

(c) Child abuse cases may only be made available to a law enforcement agency, local or state prosecutors, a child welfare agency or other entities as designated by law (ORS 419B.035).

(d) Court appointed special advocates (i.e., CASA volunteer or employee) will be permitted to inspect and copy any records held by this department relating to the child or ward involved in a case and members of this department may consult with the court appointed special advocate regarding the case. Consent of the child, ward or parents to the sharing of such information is not required (OAR 413-010-0045(4)).

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810.5 OTHER DEPARTMENT RECORDS

810.5.1 MEDICAL RECORDS, SEALED RECORDS, IN CUSTODY RECORDS AND STUDENT RECORDS

The following records are exempt from disclosure under ORS 192.496:

(a) Records that contain information about the physical or mental health, or treatment thereof, of a living individual; if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy.

(b) 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.

(c) Records of a person who is or has been in the custody or under the lawful supervision of a state agency, a court or a unit of local government, are exempt from disclosure for a period of 25 years after termination of such custody or supervision to the extent that disclosure thereof would interfere with the rehabilitation of the person if the public interest in confidentiality clearly outweighs the public interest in disclosure. Nothing in this subsection, however, shall be construed as prohibiting disclosure of the fact that a person is in custody.

810.5.2 CONDITIONALLY EXEMPT PUBLIC RECORDS

The following public records will not be released unless the public interest requires disclosure (Oregon Revised Statutes 192.501):

(a) Records pertaining to any litigation to which the Department is, or is likely to be a party except where litigation which has been concluded.

(b) Any record pertaining to department operations or the use and deployment of personnel and equipment, if disclosure would endanger public safety or jeopardize a law enforcement activity.

(c) Records or information that would disclose or jeopardize security measures taken by the Department to protect department members, property or operations.

810.5.3 OTHER PUBLIC RECORDS EXEMPT FROM DISCLOSURE

The following public records are generally exempt from disclosure and absent a court order or other legal process shall not be released except with the expressed authorization of the Chief of Police or his/her designee (ORS 192.502 et seq.):

(a) Specific records containing the home address, personal telephone number, or e-mail address of any individual who has previously submitted a written request of non-disclosure in accordance with rules established by the Attorney General.

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy.

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(c) Personal information of any member of or volunteer of this department including addresses, Social Security numbers, dates of birth and telephone numbers.

(d) Any public record or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon or Federal law.

810.5.4 PERSONNEL RECORDS

Certain information contained in personnel records is confidential and is also exempt from public disclosure. The following information shall not be released unless the public interest requires disclosure in the particular instance as determined by a court or other legal process (ORS 181.854; ORS 192.501(12); ORS 192.502(2)):

(a) Medical information contained in medical records and similar uniquely personal information which, if released, would constitute an unreasonable invasion of privacy.

(b) Records, materials, or documents supporting a personnel investigation that is pending or ongoing or has resulted in discipline of the involved employee.

(c) Photographs that identify an employee, unless the employee consents in writing.

(d) Audio or video records of internal investigation interviews (ORS 192.405).

Any release of such information must be reviewed by department legal counsel and approved by the Chief of Police. Although exempt from public disclosure, such records and information may be subject to discovery in civil or criminal proceedings or as detailed in ORS 192.405. In such a situation, the Tigard Police Department will oppose disclosure unless the court specifically orders the release.

810.5.5 CONCEALED HANDGUN LICENSE

Information contained in Concealed Handgun License applications or other files that contain personal, medical, or similar information, if public disclosure would constitute an unreasonable invasion of privacy, shall not be made public (ORS 192.502).

No member of this department shall disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, except as provided in the Oregon Public Records Law and OAR 137-004-0900.

810.6 OTHER RECORDS

The Tigard Police Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for non-disclosure; however, if the disclosure refusal is challenged, the burden will be on the Tigard Police Department to support its refusal (ORS 192.450).

Any record that was created exclusively in anticipation of potential litigation involving this agency shall not be subject to public disclosure (ORS 192.501(1)).

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810.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (ORS 802.181 and 18 USC § 2721).

810.7 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.9 OTHER AGENCY'S RECORDS

The Tigard Police Department shall not release any record contained in the case file that has originated from another agency. The person requesting such records shall be referred to the originating agency.

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Oregon Law Enforcement Data System (LEDS)

811.1 PURPOSE AND SCOPE

All users of the Oregon Law Enforcement Data System (LEDS) are required, as a condition to participation in the system, to follow the rules and policies adopted by the LEDS Advisory Committee. In addition, all agencies having access to Oregon and federal computerized criminal history (CCH) files have signed an agreement to follow the Administrative Rules of the Department of State Police. Federal laws also restrict the dissemination of certain information available to law enforcement agencies.

Violations of these rules and regulations could result in the removal of the access terminal from our agency and/or prosecution of individual violators under state and federal law.

All personnel of this department will comply with the following rules and regulations.

811.2 GENERAL REQUIREMENTS

No person shall use any information from the LEDS files or communication system for private business or personal reasons.

No person shall furnish any information received from the LEDS files or communication system to another person for private business or personal reasons, except for criminal justice purposes.

Point-to-point and general broadcast messages (APB) are restricted to messages directly relating to a criminal justice function and LEDS administrative messages.

Each agency entering records in the LEDs files shall be responsible for the accuracy, updating, and prompt clearance of those records. Data entry and inquiry criteria are described in each of the applicable sections of the LEDS Manual. It must be strictly followed.

811.3 RULES AND REGULATIONS

811.3.1 WANTED PERSON, VEHICLE, AND PROPERTY FILES

- Information from LEDS, the National Crime Information Center (NCIC), or other state wanted person, vehicle, or property files is for criminal justice use only and is not be be disseminated to any person for other than an official criminal justice purpose.
- Inquiries from the public regarding the status of a wanted person, vehicle, or other item in these computerized files should be referred to the agency holding the original case.

811.3.2 COMPUTERIZED CRIMINAL HISTORIES SECTION 257-010-0025, ADMINISTRATIVE RULES, DEPARTMENT OF STATE POLICE

- Access to CCH information by means of terminals shall be limited to criminal justice agencies.

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- A criminal justice agency shall obtain CCH information only in situations in which it is required by that agency for purposes of fulfilling its legal responsibilities. All inquiries to CCH shall be based on a valid reason to obtain the information.
- Inquiries for non-official purposes or agencies outside the criminal justice community are prohibited.

811.3.3 MOTOR VEHICLE RECORDS

- Oregon motor vehicle registration and driving records are the responsibility of the Oregon Department of Transportation, Driver and Motor Vehicle Services Branch (DMV). Criminal justice agencies have access to these records via LEDS for criminal justice purposes.
- Communication, dissemination or use of this information received through LEDS, which includes DMV information, to private individuals or companies other than prescribed in OAR 257 is prohibited.
- Inquiries from private individuals or companies for vehicle registration or driving record information will be directed to DMV.
- No "hard copy" is to be shown or given to anyone outside the criminal justice system.
- DMV information may be given to Fire personnel for purposes of investigation.

811.3.4 DEMONSTRATION OR DISPLAY OF RECORDS

Any public demonstration involving the display of criminal records, driver records, vehicle registration, or communication received via LEDS, shall be confined to records of:

- Individual performing the demonstration
- Appropriate test records (as provided in the LEDS Manual)

811.3.5 ADMINISTRATIVE MESSAGES (AM)

English language point-to-point communications are restricted to criminal justice matters and LEDS administrative messages. Personnel receiving or transmitting any communication shall not divulge the existence, contents, or meaning thereof, except through authorized channels.

- Administrative message, area broadcast, and APB messages are to be brief. Rules under 2.0 of the LEDS Manual will be followed (pages 2-8).
- Lengthy lists of stolen property via administrative messages or APB are prohibited. The list should be limited to not more than five articles with a notation that there is other related property.
- APB or area broadcast messages announcing position openings are prohibited; however, an AM message announcing an opening may be sent to LED for transmission.
- Announcements of meetings of recognized criminal justice organizations may be sent by authorized officers of such organizations. The announcement should be limited to 150 words

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and may contain the date, time, location, and the addresses and phone numbers where accommodations may be secured in connection with attendance of such meeting.

811.3.6 SECURITY OF LEDS ACCESS

Computers with LEDS access must be secure from unauthorized access, and all employees authorized to access LEDS files must be instructed on proper use and dissemination of information.

Only employees of the Police Department or other law enforcement agencies are allowed access to the printed messages received through LEDS. All non-criminal justice employees or persons are excluded from those areas of the Police Department where printed messages received through LEDS are on display or may be viewed.

CJIS Security Policy

All CJIS data transmitted through any internet connection shall be immediately protected with a minimum of 128-bit encryption and using advanced authentication and eventually two-factor authentication. When accessing WEBLEDS, only those authorized devices (i.e. department issued blackberries, MDCs and etc.) will meet this requirement. Use of personal PDAs and home computers are not authorized and do not mee the CJIS requirements.

811.3.7 CRIMINAL HISTORIES

- Criminal histories obtained for another law enforcement agency on our terminal will be run using that agency's ORI number.
- When a criminal history is run on an arrested person, or person of interest under investigation, personnel may make a notation of the identification numbers of the Oregon State Bureau of Identification (FBI number), may take notes from the criminal history, and must shred the "hard copy" immediately after use.
- Personnel may keep copies of criminal histories in their working investigative files; however, the CCH record shall be destroyed when the investigative working file is turned into the Records Section for storage. A CCH record should not be used after it is 30 days old as the criminal histories are updated daily an any record over 30 days old is considered outdated.

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Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Tigard Police Department. This policy addresses the protected information that is used in the day-to-day operation of the department and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Tigard Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the Tigard Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and Law Enforcement Data System (LEDS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Tigard Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 ACCESS TO OREGON STATE PATROL OFFENDER INFORMATION

Access to Oregon State Patrol (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

An individual may review his/her local record on file with the Department under the provisions of ORS 192.501(3), and after complying with all legal requirements.

This department will not release information originated by any other agency (ORS 192.410 through ORS 192.505). Individuals requesting this information shall be referred to the originating agency.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

812.7.1 LEDS TRAINING
All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member’s duties. Each member who operates a terminal to access LEDS must be re-certified by the Department every two years (OAR 257-015-0050).

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Law Enforcement Information Exchange (LInX) Northwest

813.1 PURPOSE AND SCOPE

The Law Enforcement Information Exchange (LInX) Northwest system is an advanced electronic criminal justice information sharing system and analytical data warehouse containing crime and incident data from participating Federal, State, and Local Law Enforcement Agencies located within the regional LInX system. LInX is a joint initiative sponsored by the Naval Criminal Investigative Service (NCIS) of the U.S. Department of the Navy and various regional and local law enforcement agencies located throughout the nation.

813.2 DEFINITIONS

Definitions related to this policy under the Code of Federal Regulations (CFR) Part 20, 3(g), as used by LInX Northwest:

Administration of Criminal Justice

€" Performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

Criminal Justice Agency

€" Courts or a governmental agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

813.3 GENERAL REQUIREMENTS

All users of LInX Northwest are required, as a condition to participation in the system, to read and acknowledge the LInX Northwest policy for use and dissemination of law enforcement crime and incident data and the sanctions for misuse and to follow these rules. It is imperative that each user of LInX Northwest accept responsibility and potential consequences which could be imposed for misuse. All users must read and sign a LInX Northwest policy and rules agreement prior to being granted access to the system.

813.4 RULES AND REGULATIONS

This system is limited to use by authorized law enforcement employees as part of official law enforcement investigations.

All information contained within LInX that was submitted by law enforcement to be shared only by other law enforcement agencies, which agencies are both permitted and restricted by law to handle Criminal History information and Juvenile information and other confidential information within the context of state and federal law, is to be considered "sensitive law enforcement" information.

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In order to maintain the integrity of this sensitive information (as defined above) it will be accorded proper management and security, and will only be handled by personnel who have been back grounded for law enforcement work and who have been trained in the appropriate handling of such sensitive information as required by state and federal law.

Activity associated with any aspect of the LInX Northwest information sharing system is subject to detailed monitoring and audits of all activity to protect against improper or unauthorized use, access or dissemination of "sensitive information". Accessing the LInX Northwest system by any individual or agency constitutes their consent to the monitoring of all LInX related activities and consent to the suspension or termination of their access privileges during or following any audit.

No person shall use any information from the LInX Northwest system for private or personal reasons.

No person shall furnish any information received from the LInX Northwest system to another person for private business or personal reasons, except for criminal justice purposes.

813.5 USE AND DISSEMINATION

There are restrictions on the use of LInX data, the system is not considered and should not be used for original documentation for probable cause from any participating agency. Use of the data is controlled by the LInX Rules of Operation for each regional LInX system.

Any documents that are printed or electronically saved from LInX are to be used for law enforcement purposes only and are subject to the following rules of use. Photographs may not be utilized for any photo lineup(s). The accuracy of information must be confirmed with the originating agency before any legal action may be undertaken, such as making an arrest or preparing an arrest or search warrant affidavit. LInX documents may not be copied or sent outside of the Tigard Police Department or incorporated into any official case file. LInX documents must be properly destroyed (hardcopies shredded and electronic copies permanently deleted) within 72 hours of being obtained, or when they are no longer of value to the investigation, whichever comes first.

813.6 MISUSE AND UNLAWFUL DISSEMINATION OF INFORMATION

Unauthorized use, which includes requests, dissemination, sharing, copying or receipt of LInX information, could result in civil proceedings against the offending agency and/or criminal proceedings against any user or other person involved.

Violations or misuse may also subject the user and the user's agency to administrative sanctions and possibly disciplinary action by this Police Department, subject to due process, against its employee(s) and could result in LInX access termination or termination of the LInX agreement with the offending agency involved.

Sanctions for the misuse or unlawful dissemination of information obtained via the LInX Northwest system may result in any combination of the following: a warning letter to the user and agency advising of the possibility of revocation of LInX access, revocation of the individual user's access to LInX and revocation of the violator's agency's access to LInX. The Privacy act of 1974 and the

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Computer Fraud and Abuse Act of 1986 are two federal statutes affording criminal and civil liability for violations of privacy and security provisions relating to the use of LInX.

813.7 SECURITY OF LINX NORTHWEST ACCESS

Computers with LInX Northwest access must be secure from unauthorized access, and all employees authorized to access LInX Northwest must be instructed on proper use and dissemination of information.

Only employees of the Police Department or other law enforcement agencies are allowed access to the printed messages received through LInX Northwest. All non-criminal justice employees or persons are excluded from those areas of the Police Department where printed messages received through LInX Northwest are on display or may be viewed.

813.8 LINX ADMINISTRATION

The Records Supervisor will act as the LInX Agency Security and System Administrator. This position is designated and accountable for ensuring the proper use of the LInX Northwest system within the Police Department and are responsible for immediately disabling an account for any user who is under criminal investigation, retires, resigns, is terminated or leaves the Police Department for any reason.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCD's), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

Any digital information, whether obtained in the line of duty, training events, or under any other circumstance, using a digital camera, computer, personal communications device, recorders, and any other electronic device is the property of the City and not be used for personal reasons or for other outside purposes.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. Disconnect the power cable from the back of the computer box. For laptops, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, property evidence number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property and Evidence Unit. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

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1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORK COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

(a) Copy of report(s) involving the computer, including the property evidence receipt.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

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(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request that a Property and Evidence Specialist copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases or envelopes designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Unit as soon as possible for submission into evidence.

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(b) Officers are not authorized to review or copy memory cards. The Property and Evidence Specialists are the only employees authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the officer should remove the memory card from their digital camera, book on property evidence receipt and place the card into a media evidence envelope. Officer shall tape, seal, and initial the back of the envelope prior to placing in evidence boor "D".

(d) The Property and Evidence Specialist will make a copy of the memory card using appropriate storage media. Once it is verified that the images are properly transferred to the storage media, the Property and Evidence Specialist will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must provide a written request to the Property Evidence Unit.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as photo video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only Property Evidence Specialists are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Traumatic Incident Policy

821.1 PURPOSE AND SCOPE

The purpose of this policy and procedure is to provide for assistance to members involved in any type of traumatic incident as defined within.

821.2 DEFINITIONS

Traumatic Incident - A situation faced by personnel, which causes them to experience unusually strong emotional reactions that have the potential to interfere with the ability to function either at the scene or at a later time. A situation does not have to be a major disaster to be classified as a traumatic incident.

Directly Involved - Those personnel who were immediately present and in a position to observe the traumatic incident.

Administrative Reassignment - A five-calendar day period in which the department member is relieved of their regular duties. During this time the department member shall remain available for interviews, appointments or other administrative assignments related to the incident for which they were placed on administrative reassignment. If the five day period encompasses the members regular days off, any interviews done with TPOA members on the member's days off will be subject to the overtime provisions of the TPOA contract. Interviews done on the days off of non-TPOA members will be subject to the respective rules for their employment classification.

The following are examples of traumatic incidents:

- The serious injury or death of any Tigard Police personnel in the line of duty
- The serious injury or death of a suspect or any civilian bystander resulting from police operations
- A case which is charged with profound emotion, such as the sudden death of an infant under particularly tragic circumstances
- A case involving a Department member(s) which attracts extremely unusual attention from the news media
- Loss of life which follows extraordinary and prolonged expenditures of physical and emotional energy in a rescue attempt
- An incident in which the circumstances are so unusual or the sights and sounds are so distressing as to produce a high level of immediate or delayed emotional reaction which surpasses normal coping mechanisms

821.3 ADMINISTRATIVE REASSIGNMENT

- Any officer(s) whose actions or use of force results in a death or serious physical injury shall be released from the scene in accordance with Policy 300. They will then be placed

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on mandatory administrative reassignment with pay for the duration of the officer's shift and for a minimum of five days.

Administrative reassignment is in the interest of the officer(s) and the department and shall not be waived. The assignment shall not be interpreted to imply or indicate that the officer has acted improperly. If the officer(s) is in need of additional administrative time off, sufficient time shall be granted without penalty.

- Counseling services shall be made available for the officers and their families/significant others through the Chief of Police. Contacts between involved officers and the counseling service will be confidential.
- Any witness officer who was directly involved may be placed on administrative reassignment at the discretion of the Chief of Police.

In all cases where serious injury or death results from a use of deadly force, the involved officer(s) shall meet with a Department and Association approved psychologist or psychiatrist experienced in assisting law enforcement personnel and their families to recognize and cope with the natural responses to a traumatic incident. The meeting is mandatory and cannot be waived. A list of at least three professionals specializing in this field will be established and kept current. The officer will have the choice in determining which counselor he/she visits.

All conversations between the officer, their families/significant others, and the debriefing psychologist or psychiatrist are considered confidential and subject to the doctor-patient privilege. This meeting will take place while the officer is on administrative reassignment.

- Mandatory follow-up meetings will take place with the psychologist/psychiatrist at the one (1) month, six (6) month and one (1) year periods after the traumatic incident. They should occur on the anniversary or as close to the anniversary of the incident as possible.
- Officers involved in traumatic incidents where deadly force is used will have available the services of the department's chaplain/Critical Incident Stress Debriefing (CISD), Washington County S.T.I.C. team or the Portland Police T. I. C. team.
- The effects of a traumatic incident can affect the officer's mental well being as well as their ability to perform their job. If an employee is involved in a "non deadly force" traumatic incident, their supervisor should be made aware of the incident. The supervisor will be required to monitor the employee for signs of unexpected changes in work behavior and/or performance. If the supervisor determines that the employee is showing behavioral changes that are adversely affecting the employee's work performance, the Division Commander may place the employee on Administrative Leave, with pay, and refer the employee to the Employee Assistance Program.

821.4 SPIRITUAL SUPPORT

All cases involving traumatic incidents, the involved member and their family/significant other will have available to them the services of a chaplain. The purpose is to provide the member and/

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or their family/significant other with a source of professional consultation and aid them in dealing with the potential moral and ethical after effects of a traumatic incident.

821.5 RETURN TO DUTY

- In determining the appropriate administrative action to take in ending the officer(s) administrative reassignment and returning the officer to regular duty, the Chief of Police may seek and consider the professional opinion of any psychologist/psychiatrist and/or treating physician as to:
  - (a) Whether the officer should be expected to report to full duty in his/her regular assignment or whether the officer needs additional recuperation time and, if so, how much additional time is recommended.
  - (b) Whether any modifications of the officer's regularly assigned duties should be considered by the department in order to facilitate the officer's speedy return to full productivity and, if so, the nature and duration of the recommended modifications.
  - (c) Additional psychological evaluation, assistance, and counseling will be made available if it is deemed necessary and will result in the employee's ability to return to or continue active duty.
- The Department will be sensitive to the personal needs of the member and the member's family, and furnish all possible support and assistance.
- If an officer involved in a use of deadly force has returned to work prior to the Grand Jury hearing, the officer will have the option of taking the day prior to and the day of the Grand Jury hearing as administrative leave days, work the desk or work as a two person vehicle.

821.6 CASUALTY ASSISTANCE PLAN

The Department has developed a Casualty Assistance Plan that establishes a best practices program and identifies an operational framework in the event of a serious injury or death of a Department employee or volunteer. The response to a casualty will be based on the circumstances of the incident and reviewed on a case-by-case basis. The beginning of the plan addresses "line-of-duty" death incidents and other operational protocol in cases of on-duty serious injury and other death related events. The plan may be enacted in whole or in part at the discretion of the Chief of Police or the appointed designee. The plan may be used to assist of "non-duty" related deaths of current or retired employees. The Department's role is to provide all necessary support and emotional care for the affected employee's family during and after the traumatic period. Core responsibilities include, but are not limited to the following:

- Notifying the family of the casualty and the circumstances known at the time.
- Assisting the family at the hospital.
- Assisting the family with funeral and burial arrangements.

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- Assisting the family with legal and benefit matters.
- Assisting the family during criminal proceedings.
- Providing long-term support and keeping apprised of family needs.

The plan should be referenced and followed in the event of a casualty. A copy of the plan can be located at I:PD/Casualty Assistance Plan/Tigard PD 2011 Casualty Assistance Plan.doc.

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Washington County Mutual Aid Agreement

823.1 PURPOSE AND SCOPE

To establish an accepted means to coordinate the efficient and effective delivery of mutual aid between and among the law enforcement agencies of Washington County.

This is accomplished by providing mutual aid to one another at a reasonable cost by eliminating duplication where feasible and making the most efficient and effective use of the involved agencies resources.

823.2 DEFINITIONS

Mutual Aid - The provision of additional personnel, equipment or expertise by one law enforcement agency for the primary benefit of another law enforcement agency.

Police Officer - A sworn member of a law enforcement agency not intended to include non-sworn members of an agency, reserve officers, cadets, record clerks or similar individuals.

823.3 AUTHORITY

Every police officer of every participating law enforcement agency in Washington County has the authority to request mutual aid, to grant or refuse a request for mutual aid, and to terminate the provision of mutual aid once granted.

823.4 PROCEDURE

823.4.1 REQUESTING AID

A police officer of the requesting agency who has authority to request mutual aid must make the request for mutual aid to a police officer of the responding agency who has authority to grant a request for mutual aid.

823.4.2 GRANTING OR REFUSING AID

The responding agency may grant or deny, in whole or in part, the request to supply aid to the requesting agency.

823.4.3 TERMINATING AID

A police officer of the requesting agency may relieve all or part of the personnel or equipment of the responding agency from mutual aid duty if, in the opinion of the officer of the requesting agency, the personnel or equipment is no longer needed in the requesting agency's jurisdiction.

A police officer of the responding agency may recall all or part of the personnel or equipment of the responding agency if, in the opinion of the officer of the responding agency, the personnel or equipment is needed in the responding agency's jurisdiction.

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823.4.4 CONTROL & DIRECTION OF PERSONNEL & EQUIPMENT

Once the responding agency decides to supply aid to a requesting agency, and the aid is delivered to the requesting agency in that the aid is physically present within the requesting agency's jurisdictional boundaries, the requesting agency is fully responsible for the supervision and control of the aid provided. This responsibility shall continue until the requesting agency terminates its request for aid or until the responding agency recalls the aid to the responding agency.

When the responding agency arrives on the scene within the jurisdiction of the agency requesting the aid, they will immediately report to the On-Scene Incident Commander, who is the highest ranking member at the scene. Depending on the timing of the arrival of aid, the On-Scene Incident Commander could be the original police officer dispatched to the call unit until such time that he/she is replaced by an arriving supervisor.

823.4.5 LIABILITY & RESPONSIBILITY

A responding agency's refusal to provide mutual aid to a requesting agency, or a responding agency's recall of mutual aid already provided to a requesting agency, shall not be a basis upon which the requesting agency may impose liability for damages upon the responding agency.

Each agency shall remain responsible for the acts or omissions of its respective employees, notwithstanding that the employee acted under the supervision and control of the requesting agency.

Each agency shall remain responsible for the ordinary wear and tear and routine maintenance of its respective equipment, notwithstanding that the equipment is used under the supervision and control of the requesting agency.

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Chapter 9 - Custody

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Temporary Holding Facility

900.1 PURPOSE AND SCOPE

The Tigard Police Department shall maintain a Temporary Holding Facility Policy and Procedures Manual that consists of this Policy Manual § 900 and incorporates the following Policy Manual sections:

- Policy Manual § 300 Use of Force
- Policy Manual § 306 Leg Restraint Device
- Policy Manual § 308 Control Devices and Techniques
- Policy Manual § 324 Temporary Custody of Juveniles
- Policy Manual § 418 Mental Illness Commitments
- Policy Manual § 420 Cite and Release Policy
- Policy Manual § 422 Arrest and Detention of Foreign Nationals
- Policy Manual § 428 Immigration Violations
- Policy Manual § 514 Drunk driving Evidence and Collection
- Policy Manual § 902 Search Procedures for Arrestees
- Policy Manual § 1016 Communicable Diseases

The department shall maintain the custody of prisoners in accordance with this policy and the Procedures Manual and in accordance with the laws as established by the State of Oregon, Board of Corrections.

The purpose of the Temporary Holding Facility Policy and Procedures Manual is to maintain a safe and secure operation and establish policies and procedures in the booking, temporary housing, security and release of prisoners at the Tigard Police Department's Temporary Holding Facility.

Definitions:

Temporary Hold - means a facility, the principal purpose of which is the temporary detention of a prisoner for four (4) or less hours while awaiting court appearance or transportation to a local correction facility. (ORS 169.005(7))

Holding Room - means a secure room within the Tigard Police Department, the principal purpose of which is the temporary detention of a prisoner for two (2) or less hours while being processed, awaiting release, or preparation of paper work for court or transport.

Status Offender means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult (truancy, curfew, runaway, possession and/or consumption of tobacco products and/or alcohol).

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900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies within the Temporary Holding Facility. If the arresting officer is not able to perform this function, the on-duty supervisor will designate a member and they must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Pursuant to ORS 169.078, the Watch Commander or arresting officer will perform constant audio and visual observations involving security, control, custody and supervision of all confined detainees and prisoners, with personal inspections at least once each hour. If the prisoner is suspected to be under the influence of drugs or alcohol, the personal inspection will take place at least once every 30 minutes. The inspections shall be documented on the booking form.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Tigard Police Department that all prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, within two (2) hours. This period of time includes booking and interviewing. If there are exigent circumstances that require a longer processing time, the arresting officer shall contact the Watch Commander, advising of the exigent circumstances, and obtain specific approval for continued detention. The circumstances will be documented in the arresting officer's report.

900.1.3 NON-DETAINABLE PRISONERS

Non-detainable prisoners are arrestees who fall within the following classifications and should not be detained in the Temporary Holding Facility. Each person falling into one of the following categories should be transported to the County Jail, the designated medical facility or County Mental Health:

(a) Any person who is sick or injured requiring medical attention

(b) Any person with a medical condition, including pregnant females who may require medical attention, supervision or medication during confinement

(c) Any person who has claimed, or is known to be afflicted with, or displays symptoms of any communicable disease

(d) Any person suffering from a severe mental disorder. Refer to Policy Manual § 418, which is incorporated as a part of this manual

(e) Any combative or unruly person who may most likely cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility

(f) A prisoner who is or may be contemplating suicide

(g) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotics, sedatives, tranquilizers, anti-neoplastic (cancer) drugs, research medication or any person suffering from withdrawals of the above

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(h) Any juvenile charged with a status offense

900.1.4 DETAINABLE PRISONERS

Prisoners who fall within the following classifications may be detained in the Tigard Police Department Temporary Holding Facility with the approval of the Watch Commander. Detainable prisoners include prisoners arrested and detained pending:

(a) Posting of bail (surety release under Oregon Revised Statutes 135.265)

(b) Release on Own Recognizance (Oregon Revised Statutes 135.245(3)

(c) Citation release per Policy Manual § 420, which is incorporated as a part of this manual

(d) Transportation to the County Jail

(e) In-custody interview or other investigation

900.1.6 TRANSPORTATION OF PRISONERS

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

(a) Verify the identity of each prisoner to be transported matches the booking paperwork;

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, itemized list of prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

(a) Facility Administrator: The Chief of Police shall be the facility administrator officially charged, by law, with the administration of the Temporary Holding Facility.

(b) Temporary Holding Facility Manager: The Inspections Lieutenant will have the responsibility for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.

(c) Maintenance Manager: The Records Supervisor will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The Records Supervisor will be responsible to the Facility Manager.

(d) Temporary Holding Facility Supervisor: The employee with 24 hour per a day functional responsibility for the Temporary Holding Facility will be the Watch Commander.

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(e) Custodial Personnel: Custodial personnel shall be those on-duty sergeants, officers, detectives or other designated employees whose additional duties include the supervision of prisoners that are detained in the Temporary Holding Facility.

900.3 PRISONER SUPERVISION AND CLASSIFICATION

900.3.1 SUPERVISION OF PRISONERS

Each temporary holding or lockup facility shall maintain continuous supervision when persons are confined; such supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located. Personal inspections of each confined person are to be made hourly (Oregon Revised Statutes 169.077). Those individuals appearing under the influence of intoxicants will be checked every 30 minutes.

900.3.2 LOG ENTRIES AND SECURITY CHECKS

(a) All adult and juvenile bookings should be logged into the Tigard Police Department Prisoner Property Record and Booking Log. The following entries are to be completed by the arresting officer:

1. Case number
2. Date/time of booking
3. Charges
4. Arrestee's name
5. Arresting officer's name
6. Date and time of release
7. Holding room used
8. Prisoner check times
9. Detailed list of all property taken from the prisoner
10. Signature of prisoner upon seizure and release of property

(b) The log shall be kept in the booking area of the Temporary Holding Facility. It is the responsibility of the on-duty Watch Commander to ensure that all appropriate entries are made.

(c) The Watch Commander should make periodic checks to ensure the log and security checks are made on time.

(d) The Facility Manager should review all Temporary Holding Facility Logs and shall report to the Facility Administrator as required.

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(e) All logs and reports should be maintained in the Records Section for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

900.3.3 TEMPORARY DETENTION OF JUVENILES
When a member of this department takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual § 324 is incorporated as a part of this manual and should be consulted regarding the policies and procedures for the temporary custody of juveniles.

All juvenile detentions will be logged per the provisions of Policy Manual § 324.

Juvenile offenders under the age of twelve (12) and/or status offenders cannot be held in any secured rooms. Juveniles meeting the above criteria need to be held in a non-secured room (no locking door). Completion of a prisoner property record and booking log is still required.

Juvenile offenders between twelve (12) and eighteen (18) and who are not status offenders, may be placed into the temporary holding facility as long as there are no adult prisoners who are within sight and sound of the juvenile.

900.3.4 TEMPORARY DETENTION OF FEMALES
Whenever one or more female prisoners are in custody, every effort will be made to ensure there will be at least one female employee available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present.

900.3.6 HANDCUFFING OF PREGNANT ARRESTEES
No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.4 TEMPORARY HOLDING FACILITY SEARCHES

Immediately upon securing weapons, the arresting or transporting officer shall search every prisoner again, prior to entering or re-entering the Tigard Police Temporary Holding Facility. A thorough search will be made for weapons, or items that could be used as weapons; contraband; tools or items that could be used to aid an escape; anything that could be a danger to the prisoner or the officer; evidence or fruits of the crime.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible.

Arrestee search procedures and policies are found in Policy Manual § 902.

900.5 FIRE SAFETY

The Temporary Holding Facility shall be safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

The Night Watch Commander, at the beginning and end of their shift, shall inspect the Temporary Holding Facility to ensure:

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(a) No flammable materials are stored in the detention area

(b) Fire extinguishers are serviceable

(c) Cell keys are available in the Patrol Lieutenant's office and Records for emergency use

(d) First aid kits are readily available and completely stocked

(e) Smoke detectors are operational

The Inspections Lieutenant shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years.

900.5.1 FIRE PROCEDURES

(a) In the event of a fire in the Temporary Holding Facility the discovering employee should immediately:

1. Notify the Fire Department, Watch Commander and on-duty patrol personnel simultaneously through WCCCA
2. Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan
3. Begin fire suppression procedures as applicable

(b) Responding patrol officers under the direction of the on-duty supervisor should be responsible for:

1. The evacuation of prisoners
2. Obtaining medical services as needed
3. Securing prisoners in a temporary holding area
4. Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary
5. Initiating an investigation concerning the origin of the fire along with filing necessary reports

(c) The Inspection Lieutenant, in coordination with the Fire Department and qualified first aid/ CPR instructional personnel, shall oversee the training of all department personnel and ensure that they are familiar with:

1. The Temporary Holding Facility policy and procedures; and
2. Fire safety and evacuation plan including the use of the fire extinguisher

(d) Annual inspections of the Temporary Holding Facility will be conducted by the Tualatin Valley Fire and Rescue

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(e) The City of Tigard Facilities Manager will ensure the automatic fire detection devices are inspected, serviced and/or repaired at least annually or as needed in coordination with the Inspections Lieutenant.

900.6 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

900.6.1 PRIMARY CONCERNS

(a) Safety of public

(b) Safety of department personnel

(c) Safety of prisoners

(d) Security of prisoners

900.6.2 NOTIFICATION

(a) Watch Commander

(b) All available sworn personnel

(c) Fire Department

(d) Medical aid

(e) Chief of Police

900.6.3 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.6.4 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 CITYWIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available

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effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.7 REPORTS
The Watch Commander will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Chief of Police with a copy to the Inspections Lieutenant.

900.7 PRISONER TELEPHONE CALLS

Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility shall be entitled to the use of a telephone.

There is no obligation for the officer to make a call on a prisoner's behalf - for example in the case of a person that is so intoxicated that he or she cannot make a call. An officer is not required to wake an intoxicated person three hours after booking so that they may complete a call.

There is also no limitation on the amount of time a prisoner's phone call must last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his or judgment in determining the duration of the calls.

900.7.1 TELEPHONE CALL PROCEDURES
All calls must be made collect, unless specifically authorized by the Watch Commander or designee. Charges cannot be made to third-party numbers, motels, hotels, places of business or to credit cards. Inmates may not participate in three-way or conference calls.

Directory assistance will be limited only by the limitations imposed by the telephone company (Oregon Administrative Rules 291-130-0006). If a call cannot be completed because there is no answer or a line is busy, the inmate must hang up and try again later. Loitering near the telephones is prohibited.

As set out in Oregon Administrative Rules 291-130-0020, calls may be monitored for security purposes. Directly above each group of monitored telephones, a sign shall be posted stating in English and Spanish "Phone calls are subject to being monitored and recorded".

Calls between an inmate and an attorney, court or court official, legal aid bureau or other agency providing legal services to inmates, or any elected or appointed government official will be made on a legal telephone and will not be monitored. Designated staff will schedule and place the telephone call and verify the identity of the person called. The staff person placing the call shall leave the immediate area where the call is being placed; however, the inmate may be kept under visual supervision by staff throughout the duration of the call.

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Calls normally should not be terminated before the specified time limit, except when the nature of the conversation or the conduct of the inmate:

(a) Threatens or plans illegal action

(b) Plans activities which violated facility rules, endangers security or endangers the safety of anther human being

(c) Disrupts the operation of the facility

900.7.2 ON-GOING TELEPHONE ACCESS

Once a prisoner has completed telephone calls provided under § 900.7 and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with access to a telephone, as practical. In providing further access to a telephone, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the prisoner's desire for further phone access.

900.8 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer, such as a driver's license, pocketknife, wallet, and other similar property, shall be placed in a clear property bag, and placed within view of the prisoner. A complete list of the property shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping.

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence. The officer shall issue a property receipt to the prisoner and shall document all property removed for evidence in the arrest report.

900.8.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

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900.8.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing on the booking sheet.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the booking sheet.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the on-duty Watch Commander who will interview the prisoner claiming the shortage prior to his/her release. The Watch Commander shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.9 TEMPORARY HOLDING FACILITY PROCEDURES

900.9.1 SECURITY

(a) At no time are firearms, deadly weapons, or any type of explosive device permitted within the confines of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside the entrance to the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager, or Patrol Lieutenant.

(b) Temporary Holding Facility doors are to be kept locked at all times except during routine cleaning when no prisoners are in custody or in the event of an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

(d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in that area.

(e) Restraint devices such as handcuffs, flex-cuffs, belly-chains and leg restraints will be used in accordance with existing department policy.

(f) Use of the leg restraint device or other restraints will only be used upon approval of the Watch Commander and in accordance with Policy Manual § 306 that is incorporated as a part of this manual.

(g) All personnel shall comply with all department use of force directives, including Policy Manual § 300, incorporated herein.

900.9.2 RECEIPT OF PRISONERS

The arresting officer shall:

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(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible

(b) Inventory and record all property removed from the prisoner's person

(c) Secure property for safekeeping

(d) Remove all hazardous items from the prisoner's person

(e) Remove belts, shoes and jackets

(f) Fingerprint all prisoners who will be released directly from the department. For prisoners who already have an existing SID number, one (1) FBI (red) print card. For prisoners who do not have a SID number, two (2) (red) print cards

(g) For a juvenile arrest, complete two FBI fingerprint cards and send to the Oregon State Police Identification Bureau. Juveniles in custody for a status offense will not be fingerprinted

(h) Complete the Department booking form

(i) Every effort will be made to positively identify the arrestee by either prints or other means of identification before they are released on their own recognizance

900.9.3 PRISONER FOOD SERVICE

Normally the Tigard Police Department would not serve food to prisoners who are held in the Temporary Holding Facility. At any time due to exigent circumstances a prisoner needs food service, the following guidelines will be followed:

(a) Prisoner food will be made on-site or purchased from local restaurants.

(b) Meals will be provided for prisoners detained in excess of six hours.

900.9.4 ATTORNEYS

(a) Attorneys who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.

(b) Both the attorney and prisoner should be searched for weapons prior to being admitted to the Temporary Holding Facility interview room and again after leaving.

(c) Attorneys must produce a current Oregon BAR card as well as other matching appropriate identification.

(d) Interviews between attorneys and their clients shall not be monitored or recorded.

900.9.5 RELEASE OF PRISONERS

(a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.

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(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/he may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(d) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All proper reports and forms shall be completed prior to release.
2. All posted security funds are accounted for.
3. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
4. The appropriate Temporary Holding Facility Log will be completed showing the date, time, and reason for release, as well as the releasing officer's name.
5. Notifying WCCCA of the prisoner's release.
6. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.6 FACILITY SANITATION AND MAINTENANCE

The Night Watch Commander shall inspect the Temporary Holding Facility at the beginning and end of their shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the Records Supervisor.

900.9.8 DEATH OR SERIOUS INJURY OF A PRISONER

In the event of a serious injury or death of a prisoner while in custody of this department, The Chief of Police shall be notified immediately of any death of a prisoner of this department. The Chief of Police will designate whom or what agency will conduct the investigation. The medical examiner shall certify the cause and manner of all prisoner deaths occurring while the prisoner is incarcerated in any jail, correction facility or in police custody. In all cases involving the serious injury or death of a prisoner, the Patrol Lieutenant shall be notified and he/she will make the appropriate additional notifications as directed in the Temporary Holding Facility Manual.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Tigard Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Tigard Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Tigard Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4.3 RECEIPT FOR PROPERTY OR MONEY

The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.

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902.5 STRIP SEARCHES

No individual in temporary custody at any Tigard Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Tigard Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

    1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 CLOSED CONTAINER SEARCHES

Closed containers 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.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

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Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Tigard Police Department Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Tigard Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Tigard Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Tigard Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Tigard Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

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(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Tigard Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless

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of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data if any are reported. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public upon request. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Tigard Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually upon written request. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Tigard Police Department is that we shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Tigard's Human Resources.

1000.2 APPLICANT QUALIFICATIONS AND SELECTION PROCESS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.2.1 MINIMUM REQUIREMENTS

The following minimum employment standards for law enforcement officers are set by the Oregon Department of Public Safety Standards and Training (Oregon Administrative Rules 259-008-0010):

(a) A officer may not be employed for more than 18 months without being a US citizen. A corrections officer may not be employed for more than one year without being a US citizen.

(b) Must be at least 21 years of age.

(c) Must not have been convicted of any felonies; any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug; or any law involving dishonesty or moral turpitude as identified in Oregon Administrative Rules 259-008-0070.

(d) Must be of good moral fitness as determined by a thorough background investigation.

(e) Must possess a high school diploma or demonstrate successful completion of General Education Development (GED) Test.

(f) Non-sworn position minimum standards for employment are set by the Tigard's Human Resources:

1. Must not have been convicted of any felonies; any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug; or any law involving dishonesty or moral turpitude as identified in Oregon Administrative Rules 259-008-0070.
2. Must be of good moral fitness as determined by a thorough background investigation.
3. Must possess a high school diploma or demonstrate successful completion of the General Education Development (GED) Test, unless designated differently by a position job classification.

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1000.2.2 SELECTION PROCESS

(a) The selection process for sworn officer candidates for the Tigard Police Department may include the following components:

1. A written test which includes demonstrating a 12th grade reading and writing level in the English language
2. Supplemental questionnaire
3. Physical ability test (ORPAT) (Minimum requirements mandated by Oregon Department or Public Safety Standards & Training, Oregon Administrative Rules 259-008-0010(8))
4. Oral interview board
5. A comprehensive background investigation
6. Drug screen
7. Psychological exam

(b) The selection process for non-sworn positions for the Tigard Police Department may include the following components:

1. Skills testing designed to demonstrate proficiency in: written and oral communications, and various tasks associated with the specific job classification.
2. Supplemental questionnaire.
3. Oral interview board.
4. A comprehensive background investigation.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. Tigard's Human Resources maintains standards for all positions.

The issue facing the department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Tigard or State of Oregon hiring standards. The disqualifiers listed below are examples and are not intended to be all inclusive. Other factors may also disqualify applicants. Final decisions will be at the discretion of the Chief of Police.

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Oregon driver's license

(b) The ability to drive safely

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(c) The ability to control a motor vehicle at high speeds

(d) The ability to operate a motor vehicle in all types of weather conditions

(e) The following shall be disqualifying:

1. Receipt of three or more moving violations (or any single instance of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs regardless of the time from the convictions.

1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following may be disqualifying:

1. Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.

(b) The following may be disqualifying:

1. Conviction of any criminal offense classified as a misdemeanor under Oregon law within three years prior to application

2. Conviction for two or more misdemeanor offenses under law as an adult

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3. Conviction of any offense classified as a misdemeanor under Oregon law while employed as a peace officer (including military police officers)
4. Admission(s) of having committed any act amounting to a felony (including felonies treated as misdemeanors at sentencing) under Oregon law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than three years difference in age existed at the time of the acts
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY

(a) A record of submitting reports on time and not malingering on calls

(b) A record of being motivated to perform well

(c) A record of dependability and follow through on assignments

(d) A history of taking the extra effort required for complete accuracy in all details of work

(e) A willingness to work the hours needed to complete a job

(f) The following may be disqualifying:

1. Missing any scheduled appointment during the process without prior permission
2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
4. Having a work history that indicates an inability to maintain a long-term relationship with an employer or to establish and work toward achieving long-term goals

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5. For officer applicants having undergone personal bankruptcy more than once; having current financial obligations for which legal judgments have not been satisfied; currently having wages garnished; or any other history of financial instability. The credit history of an applicant or employee shall not be used or obtained as part of an employment decision, including hiring, discharge, promotion or demotion, unless the position qualifies as a public safety officer as defined in OAR 839-005-0075 (ORS 659A.320).
6. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged
7. Having any outstanding warrant of arrest at the time of the application

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information

(b) The ability to recall information pertaining to laws, statutes, codes, etc.

(c) The ability to learn and to apply what is learned

(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer

(e) The following may be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
2. Having been academically dismissed from any DPSST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another DPSST basic law enforcement academy shall rescind this requirement

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy

(c) Discretion, not enforcing the law blindly

(d) Effectiveness in dealing with people without arousing antagonism

(e) The ability to understand the motives of people and how they will react and interact

(f) The following may be disqualifying:

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1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations

(b) The ability to make sound decisions on the spot

(c) The ability to use good judgment in dealing with potentially explosive situations

(d) The ability to make effective, logical decisions under pressure

(e) The following may be disqualifying:

1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:

1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
2. Any adult use or possession of marijuana within one year prior to application for employment
3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
5. Any adult manufacture or cultivation of a drug or illegal substance
6. Failure to divulge to the Department any information about personal illegal use or possession of drugs

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7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile
2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
3. Any illegal or unauthorized use of prescription medications

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The purpose of the evaluation system and performance summary is to:

- Communicate performance goals, standards and expectations.
- Evaluate employee performance against job standards and expectations including the relationship of the employee's position to the City's Core Values.
- Provide written documentation of employee performance.
- Assist with the development and training of employees.
- Creates a dialogue between supervisors and employees regarding job performance matters.

1002.2 POLICY

Employee performance summaries will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each summary will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each summary. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Performance summaries need to be completed on time, and in accordance with City policy and collective bargaining agreements. Performance summaries are to be complted on the form(s) presecribed by Human Resources.

All sworn supervisory personnel shall be sent to a DPSST approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for a development needed rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

POSITION	EVALUATED EVERY	LENGTH OF PROBATION

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Probationary Sworn Employees (Less than 24 months experience	Day, Week, and Month	18 Months 12 Months
Probationary Sworn Employees (At least 24 months experience)		
Non-Probationary Sworn Employees	1 Year	
Probationary Non-sworn Employees	1 Month	6 Months
Non-Probationary, Non-sworn Employees	1 Year	

1002.3.2 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under Policy Manual § 350.

1002.4 MEMBER PROBATIONARY PERIOD
Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. For new employees, a goal setting is completed by the employee and supervisor within one month of hire. Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during their probationary period.

1002.5 PERMANENT EMPLOYEES
Permanent employees are subject to three (3) types of performance evaluations:

Regular - An Employee Performance Summary shall be completed no less than once per year for all employees. It must be completed on or before their anniversary date as provided by Human Resources.

Transfer - If an employee is transferred from one assignment to another, a goal setting form shall be completed by the new immediate supervisor within 30 days after the transfer is made.

Special - A special evaluation, commonly referred to as a Performance Improvement Plan, may be completed any time the employee's supervisor believes one is necessary due to employee performance that is deemed less than satisfactory. Generally, the Performance Improvement Plan will be the tool used to demonstrate those areas of performance deemed less than satisfactory when follow up action is planned (work plan, remedial training, retraining, etc.). The form and attached documentation shall be submitted as one package through the chain of command.

1002.5.1 RATING DEFINITIONS
When completing the Employee Performance Summary, the rater will place a check mark in the box that best describes the employee's performance. The definition of each rating category is as follows:

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Exceptional Performance - Performance significantly exceeds the requirements of the job is among the bet inthe work unit. Consistently achieves objectives at a superior level and demonstrates exceptional skills and innovation in work performance.

Sucessful Employee - Performance meets job requirements in all important areas. Performance consistently meets job requirements. Performance objectives achieved as stated.

Development Needed - Performance on one or more important job requirements and/or skill areas is either: a) not yet at full effectiveness typically due to a new hire, promotion, etc. and the employee is in training or development mode, or b) performance is below expectations and needs improvement.

A development needed rating must be thoroughly discussed with the employee. The next step in the process may be a Performance Improvement Plan.

1002.5.2 EMPLOYEE INPUT FORM

The City of Tigard requires that all employees complete an Employee Input Form. This form must be submitted to the rating supervisor prior to the employee receiving their Employee Performance Summary. This will allow time for the supervisor to respond if necessary. The form shall be attached to the completed Employee Performance Summary.

1002.6 EVALUATION INTERVIEW

When conducting a performance summary meeting, the supervisor should:

(a) Explain the purpose and your agenda for the meeting.

(b) Encourage response from the employee and two-way communication.

(c) Mutually review performance expectations.

(d) Discuss your ratings using specific examples.

(e) Recognize areas of achievement/goals met, and identify opportunities for improvement.

(f) Explore career progress and determine developmental/training needs.

(g) Plan performance for the next review period.

1002.7 EVALUATION REVIEW

Employees may ask to have their completed performance summary reviewed by the evaluator's supervisor prior to submitting it for final signature by checking the appropriate box on the last page of the performance summary form.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City's Human Resources.

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Collective Bargaining Agreement

1003.1 PURPOSE AND SCOPE

Please see the **Collective Bargaining Agreement** between the Tigard Police Officers' Association and the City of Tigard.

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Promotional Criteria & Specialty Assignments

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the Tigard Police Department and the processes to be followed.

1004.1.1 DEFINITIONS

Promotion ''' Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

Transfer ''' Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

1004.1.2 SWORN NON-SUPERVISORY ASSIGNMENTS

The following lists the positions and duration of assignments and are considered transfers and not promotions:

Positions	Duration (All Based on Performance, Up to X Years)
Task Force Detectives (e.g. DEA and Metro Gang Task Force)	4
General Assignment Detective (One Metro Detective	4
Detective (Major Crime Team and One Metro Detective)	Based on Performance
Motor/Traffic Officer	5
Motor/Traffic Officer Major Accident Investigator (CART)	Based on Performance
Field Training Coordinator (FTO)	Based on Performance
Community Relations/Training Officer	5
School Resource Officer	4
Gang Enforcement Officer	4
Commercial Crime Unit	1 Three Year, 1 Four Year
Tactical Negotiations Team (TNT)	7
K-9	Based upon performance and or Up to Working Life of Dog
Technical Services Unit	1 Based on Performance (Non-rotational), 1 Four Year Rotation

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Transit Officer	3
Department Instructor	Based on Performance

1004.1.3 PROMOTIONAL ASSIGNMENTS
The following lists the positions that are considered promotional:

- Sergeant
- Lieutenant
- Captain
- Assistant Chief of Police

1004.1.4 PROMOTIONAL CRITERIA
Sergeant

This is a non-union position that plans, organizes and supervises law enforcement personnel on an assigned shift or activity within the department. This position receives direction from and reports to a Lieutenant. The required qualifications would be:

- Equivalent to the completion of the twelfth (12th) grade supplemented by college-level coursework in police science or a related field and four (4) years of experience as a sworn law enforcement officer.
- Possession of a valid driver's license with a satisfactory driving record.
- Police Officer Certification from the Department of Public Safety Standards and Training.
- Supervisory Certification from Department of Public Safety Standards and Training within one year of appointment.
- Resume required outlining related work experience, education, training and reason for interest.
- Compete a testing process as determined by the Chief of Police and Human Resources.

Lieutenant

This position manages, directs and coordinates a shift or work activity within the department and receives direction from and reports to the Captain or the Assistant Chief of Police. The required qualifications would be:

- Equivalent to graduation from an accredited four-year of college or university with major coursework in criminal justice, police science, public administration, or a related field, and three (3) years of supervisory experience in the police service equivalent to Police Sergeant.
- Possession of a valid driver's license with a satisfactory driving record.
- Certification as Police Officer in the State of Oregon or ability to obtain certification at time of appointment.

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- Possession of or ability to obtain Department of Public Safety Standards and Training Management Certificate within one (1) year of appointment.
- Resume required outlining related work experience, education, training and reason for interest.
- Complete a testing process as determined by the Chief of Police and Human Resources.

Captain

This position manages, directs and coordinates the activities of a division within the department and reports directly to the Assistant Chief of Police. The required qualifications would be:

- Equivalent to graduation from an accredited four-year college or university with major coursework in criminal justice, police science, public administration, or a related field, and five (5) years of supervisory experience in police services equivalent to Police Sergeant or above.
- Possession of a valid driver's license with a satisfactory driving record.
- Possession of or ability to obtain certification as a Police Officer in the State of Oregon at time of appointment.
- Possession of or ability to obtain Department of Public Safety Safety Standards and Training Executive Certificate within one year of appointment.
- Resume required outlining related work experience, education, training and reason for interest.
- Complete a testing process as determined by the Chief of Police and Human Resources.

Assistant Chief of Police

This position carries out the operational management of the Police Department and reports directly to the Chief of Police.

- The Assistant Chief is appointed directly by the Chief of Police.
- Possession of or ability to obtain a DPSST Executive Certificate within two (2) years of appointment.

1004.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity.

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2. Stress tolerance
3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership
6. Initiative
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Three (3) years experience in civilian law enforcement

(b) Off probation

(c) Has shown an expressed interest in the position applied for

(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

(e) Complete any training required by the Department of Public Safety Standards and Training or law

1004.3 SELECTION PROCESS
The following criteria apply to transfers.

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.

(d) Appointment by the Chief of Police

The selection process may also include but is not limited to other components such as an oral interview, skill testing or a written examination.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

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1004.3.1 REQUEST FOR SPECIALTY ASSIGNMENT

It is the intent of the department that all requests for specialty assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

Personnel wishing for a specialty assignment are to complete a memo. The form should then be forwarded through the chain of command to the Division Commander. The memo is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing the memo. All assignments an employee is interested in should be listed on the memo.

The officer's immediate supervisor shall make appropriate comments on the memo before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Patrol Lieutenant must also comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Patrol Lieutenant does not receive the memo, the Division Commander will initial the memo and return it to the employee without consideration.

1004.3.2 SPECIALTY ASSIGNMENT SELECTION PROCESS

Accident Investigator CART

Will be selected from interested officers assigned to traffic. Process: Oral board with Operations Division Commander making final choice.

Detectives

Will be selected from interested personnel. Criteria: Be off probation and have three (3) years police experience. Process: Oral board and final choice made by Detective Lieutenant or Support Services Division Commander.

Gang Enforcement Officer

Will be selected from interested officers with three (3) years experience and off probation. Process: Oral board, final choice made by Support Services Divison Commander.

Department Instructors

Will be selected from interested officers that are off probation. Process: Oral board and final choice made by the Support Services Division Commander.

K-9

Will be selected from interested officers that are off probation. Process: Oral board and final decision made by Lieutenant in charge of program or Operations Division Commander.

Motor/Traffic Officer

Will be selected from interested officers that are off probation. Process: Oral board and final decision made by Traffic Sergeant or the Operations Division Commander. Motorcycle assignment contingent on passing 80-hour Basic Motor School.

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Drug Enforcement Detectives

Will be selected from interested officers that are off probation and have three (3) years of experience. Process: Oral board and final decision made by Detective Lieutenant or the Support Services Division Commander.

School Resource Officer

Will be selected from interested officers that are off probation and have three (3) years of experience. Process: Oral board and final decision made by the Detective Lieutenant or the Support Services Division Commander. The School District has a representative on the oral board.

Tactical Negotiations Team

Will be selected from interested officers off probation. Process: Oral board and physical agility test conducted by Washington County Sheriff's Office TNT and recommendation made to Operations Division Commander who will make final decision.

Field Training Officer

Will be selected from interested officers that are off probation. Process: Recommendation of supervisors, oral board, and final decision of Operations Division Commander.

Transit Officer

Will be selected from interested officers with a minimum of three (3) years of civilian law enforcement experience. Qualified officers to be selected by Transit Police.

Technical Services Unit

Will be selected from interested officers that are off probation. Process: Based on interview and final decision of the Division Commander.

Commercial Crimes Unit

Will be selected from interested officers with three (3) years experience and off probation. Process: Oral board with recommendaton made by the Unit Supervisor and Support Lieutenant. The final choice made by the Support Services Division Commander.

1004.3.3 ROTATION

An officer in a rotating position may request a one (1) year extension if no other officers have expressed interest in the position. Officers may apply for a rotating position they have held after one non-assigned rotation. Officers removed from a position for poor performance, or voluntarily requesting transfer from a position, may not reapply to fill that vacancy.

1004.4 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the Tigard Department of Human Resources. Promotions will be determined in accordance with the following procedures:

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise

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been involved with the candidate within the past twelve (12) months will submit these recommendations.

(b) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:

1. Written exam
2. Oral Board
3. Specific skill testing
4. Assessment Center
5. Interview with the Chief of Police

The Chief of Police will make the final selection.

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City of Tigard Personnel Policies

1005.1 PURPOSE AND SCOPE

The City of Tigard Personnel Policies and Procedures are designed to inform all employees of the day-to-day administrative guidelines and practices of the city. They are also meant to provide employees with an understanding of what is expected of them and to provide consistent, fair and uniform treatment to all. The rules and procedures contained herein shall apply to all city employees. Where the provisions of a collective bargaining agreement or individual employment agreement with the city differ from these rules, the language in the agreement shall prevail.

The city reserves the right to change any of these policies and procedures at any time. Although it is the city's policy not to terminate an employee's employment relationship with the city unless it has just cause to do so, these policies and procedures do not and are not intended to constitute a contract of employment nor to limit the city's right to discipline or terminate employees.

Certain management personnel have individual employment agreements, and those agreements prevail where appropriate over these policies as to the individual employee covered by the agreement. The city has entered into collective bargaining agreements that cover certain job classifications, and those collective bargaining agreements prevail where appropriate over these policies as to the employees who are covered by the agreements. The city also has a separate set of management personnel policies for non-represented personnel and those policies prevail where appropriate over these policies. Nothing in these policies shall be interpreted as restricting or prohibiting an employee's performance of the employee's official duties.

Any prohibition stated in these policies does not apply if the employee is performing a legitimate work task as a city official or employee. For example, accessing inappropriate websites is not prohibited if it is done as part of an employee's work tasks (e.g. police investigation, personnel investigation, or other legitimate task).

Authority and Responsibility The Mayor and the city Council shall set general personnel guidelines through the adoption of the city budget, pay plans, collective bargaining agreements, and ordinances and resolutions adopting and/or amending the personnel rules and regulations. The city Manager may interpret the language of the rules and regulations in any case where interpretation is in question, and may specifically delegate the authority for the enforcement of these rules and regulations. The City Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend or otherwise modify these rules and regulations.

Please refer also to the **City of Tigard Personnel Policies**.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

For the purposes of this procedure a grievance is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation or application of any Department policies or City rules and regulations covering personnel practices or working conditions, by the affected persons.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaints Policy.

1006.1.2 DUPLICATE PROCEDURES

The grievance procedures set forth in this policy shall not be used in addition to other grievance procedures as may be in effect through the governing jurisdiction or the eligible employee's collective bargaining agreement. Please reference the TPOA Collective Bargaining Agreement, Policy 1003.

Under no circumstances shall more than one administrative process be used to redress the same grievance, although use of this or other procedures does not preclude employees from seeking legal remedies as appropriate.

1006.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee shall observe the procedure outlined in Article 20 of the Collective Bargaining Agreement.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

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1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

1006.5 ANNUAL REPORT OF GRIEVANCES

The Commander of the Support Services Division will create a report to the Chief of Police no later than January 15 of every year that lists the grievances filed within the calendar year. The report will include the basis of the grievances, the findings of the grievances, and an analysis to determine trends or patterns of issues that could be remedied through training, policy modification, or correction of personnel performance.

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Outside Agency Procedures

1007.1 TRANSIT POLICE - CITIZEN COMPLAINTS

1007.1.1 POLICY

The City of Portland Police Bureau (PPB) recognizes it has no authority to investigate allegations of misconduct of non-PPB members of the Transit Police Division. The Transit Police Division will assist with gathering information related to a complaint, and PPB Internal Affairs Division (IAD) may conduct the investigation.

1007.1.2 PURPOSE

To establish a policy and process for handling complaints for sworn partner agency members of the Transit Police Division of the Portland Police Bureau while respecting all rights and privileges under the affected partner agency member's Collective Bargaining Agreement.

1007.2 PROCEDURES AND RESPONSIBILITY

(a) **Minor Complaints** - Minor complaints defined as "Service Complaints" in PPB Directive 330.00 made against any sworn partner agency member of the Transit Police Division will be investigated and documented by Transit Police Division supervisors following PPB guidelines. A copy of the documentation will be provided to the appropriate command member of the involved partner agency. Service complaints are not subject to disciplinary action, and are appropriately addressed with counseling and/or training.

(b) **Internal Affairs Complaint Investigations** - Internal Affairs investigations involving PPB members will be conducted by the PPB IAD or assigned to the Transit Police Division for completion in accordance with the guidelines of PPB Directive 330.00.

When the partner agency member is identified as the principle subject of the complaint, the partner agency will take the lead of the investigation, regardless of the source of the initial complaint. The complaint will be referred to the partner agency, for evaluation and/or investigation to the extent that they desire. The PPB IAD will coordinate with partner agencies when PPB members are involved in the investigation.

PPB may ask outside agency officers to be interviewed by PPB IAD or write a police report when they are identified as a witness to an incident , and they will be considered the equivalent of any citizen witness that may have information relating to a complaint against a PPB officer.

1007.3 RESPONSIBILITIES

The Transit Police Division Commander will make findings on completed PPB IAD investigations involving members. Outside agency command officers will follow their own procedures regarding completed investigations involving their members. A review of an investigation into an incident involving more than one agency will be coordinated by the Transit Police Division commander. If there is a sustained finding and the actions of the partner agency member is serious enough to make the member's continued assignment to the Transit Police Division detrimental to the Division,

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the Commander may seek removal of that member from the Division and reassignment back to his/her home agency.

1007.4 REFERENCE DOCUMENTS

PPB Directive 330.00, Internal Affairs Complaint Investigation Process.

1007.5 INTERAGENCY MEMORANDUM OF UNDERSTANDING

(a) Maintain a police accountability system as capable as that described for each agency in the current Memorandum of Understanding.

(b) Provide an accountability system intake point to which the other agencies can refer or deliver complaints about its officers working in the Transit Division.

(c) Receive, review and evaluate all complaints referred or delivered by the other agencies concerning its employees who work in the Transit Division.

(d) Deliver all complaints about an officer who works in the Transit Division received from citizens or generated by peace officers to the accountability system intake point of the subject officer's employing agency.

(e) Appropriately provide for police Internal Affairs investigators, reviewers and intake people to share information with their counterparts in other agencies investigating or reviewing an incident involving a Transit Division officer.

(f) Adopt Portland Police Bureau Transit Police Division SOP A-20 to the extent it does not conflict with the agency's labor agreement and agency procedures or directives.

(g) Agree to conduct joint investigation when necessary and appropriate.

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Management/Supervisory/Professional City Personnel Policies

1009.1 PURPOSE AND SCOPE

These personnel policies and procedures are designed to inform all employees of the day-to-day administrative working of the City. They are also meant to provide employees with an understanding of what is expected of them and to provide consistent, fair and uniform treatment to all. . These policies are specifically applicable to the Management, Supervisory and Confidential Group employees of the City of Tigard, and shall be utilized as a supplement to the City's general Personnel Policies. These policies are applicable to those job classifications identified in the Management, Supervisory and Confidential Group pay plan. The City reserves the right to change any of these policies and procedures at any time. Although it is the City's policy not to terminate the employment relationship with the City unless it has just cause to do so, these policies and procedures do not and are not intended to constitute a contract of employment or a promise or guarantee of specific treatment in specific situations.

Please see attached Management Personnel Policies.

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ORS 107.095(5); ORS 166.270).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

ORS 166.270 carries specific prohibitions on the carrying of firearms or other weapons upon a felony conviction in the State of Oregon, any other state or under federal law.

ORS 107.095(5) addresses when a restraining order can lead to a violation of the firearms prohibitions of 18 USC § 922. Employees that are or have become subject to such an order shall promptly report that information to a supervisor.

1010.3 OTHER CRIMINAL CONVICTIONS

Oregon Administrative Rules 259-008-0010(4) prohibits any person convicted of a felony from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Tigard Police Department discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES

The consumption of alcohol or other intoxicants is generally prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on duty except in the performance of a special assignment as described in Policy Manual § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs while on duty, on City property or at any other time.

1012.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of their position, shall report the need for such medication to their immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Use of marijuana, including medical marijuana, on or off-duty, is prohibited and may lead to disciplinary action.

1012.3 EMPLOYEE ASSISTANCE PROGRAM

There is available a voluntary employee assistance program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverages which provide treatment for drug and alcohol abuse. Employees may contact City Human Resources, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Program or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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1012.3.2 CONFIDENTIALITY

The department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

1012.4 COMPLIANCE

Employees must, as a condition of employment, abide by the terms of this policy, and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of an arrest must as soon as possible, but in no case more than 24 hours after the arrest.

1012.6 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective collective bargaining agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825) and the Oregon Family Leave Law (OFLA). Please reference the TPOA Collective Bargaining Agreement, Policy 1003, and the City of Tigard Personnel Policies, Policy 1005.

1014.1.1 APPOINTMENT LEAVE

Under the collective bargaining agreement, members receive sixteen (16) hours appointment leave to be used for medial or dental appointments. Appointment leave is non-accumulative.

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 NOTIFICATION

Employees are encouraged to notify the Patrol Lieutenant or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

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

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

1014.5 SHIFT ASSIGNMENT DURING EXTENDED ABSENCES

When a member is scheduled to be off work for a period longer than three days, due to illness or injury, the member will be assigned to a 8:00 a.m. to 5:00 p.m. shift with Saturday and Sunday off. This does not apply to members who are working in a limited duty capacity. Shift assignment during those times will be based on the operational needs of the department.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

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

1016.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

1016.2 POLICY

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

1016.3 EXPOSURE CONTROL OFFICER

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

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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

The ECO should also act as the liaison with the members of the City of Tigard's Risk Management and Oregon Occupational Safety and Health Administration (OR-OSHA), and may request voluntary compliance inspections. The ECO should assist the City's Risk members with their annual review and update of the exposure control plan and review implementation of the plan.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

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

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.4.2 IMMUNIZATIONS

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

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

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS

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

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

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

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

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

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

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(a) Whether the member has been informed of the results of the evaluation.

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

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

1016.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

1016.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).

(c) Petitioning for a court order to compel source testing for HIV, hepatitis B or hepatitis C (ORS 433.080; ORS 433.085).

(d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

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

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

1016.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

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(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Tigard Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any ignited tobacco product, such as cigarettes, cigars, pipe tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Tigard Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORS 433.845; ORS 433.850).

1018.2.1 SMOKE FREE WORK ENVIRONMENT

The City's Personnel Policy states that "the City seeks to promote a safe, healthy and pleasant work environment for all employees and the public. All City facilities, including city-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City will be smoke free. Signs will be posted in designated locations outside of the buildings where employees may step outside to smoke. Visitors to any of the City's facilities shall comply with the City's efforts to maintain a smoke free environment."

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Tigard Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department facility (ORS 433.845).

1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is posted at each entrance and exit to the department facilities (ORS 433.850; OAR 333-015-0040).

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Personnel Complaints

1020.1 PURPOSE

The purpose of this policy is to inform all members of departmental procedures for addressing allegations of misconduct. A member is subject to this section when he or she is alleged to have violated work, safety rules or standards of behavior the Department has a right to expect of its members; failed to perform his or her job in a satisfactory manner; or been involved in conduct which otherwise has an adverse affect on the department.

1020.2 POLICY

It is essential that public confidence be maintained in the ability of the department to investigate and properly adjudicate complaints against its members. Additionally, the department has the responsibility to determine whether sustained complaints are most appropriately handled through training, coaching, counseling or discipline. The rights of the member as well as those of the public must be preserved, and any investigation or hearing arising from a complaint must be conducted in a fair manner with the truth as its primary objective. The department shall accept all allegations against its members and fully investigate or mediate all complaints.

When members are notified that they have become the subject of a disciplinary or non-disciplinary investigation, it is the policy of this department to issue the member a written statement of the allegations and the member's rights and responsibilities relative to the investigation.

1020.3 DEFINITIONS

Allegation - Any statement asserting dissatisfaction with a department member.

Complaint - Alleged criminal misconduct or violation of policy and/or procedure by a department member.

Member - All sworn, non-sworn, full-time, part-time and volunteer members of the Tigard Police Department.

Disciplinary Investigation - An investigation which if found to be sustained, could result in discipline or non-disciplinary action.

Criminal Investigation - An investigation which alleges criminal misconduct and is investigated separately from a Departmental complaint investigation.

Disciplinary Action - Includes termination, demotion, reassignment with a loss of pay, and letter of reprimand.

Non-Disciplinary Action - Includes documented training, documented counseling and documented coaching.

Sustained - Evidence is sufficient to prove the complaint.

Not sustained - Insufficient evidence to either prove or disprove the complaint.

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Exonerated - Incident occurred but was lawful or proper.

Unfounded - The complaint was false or not factual.

Mediated - The complaint was resolved through mediation.

1020.4 PROCEDURES

(a) It is the responsibility of the supervisor to receive any and all allegations. If a supervisor is not available it is the responsibility of any member who becomes aware of an allegation to receive it. An intake form shall completed and forwarded to the Division Commander. In the event the allegation involves a command level member the intake form shall be forwarded directly to the Chief.

1. A supervisor may attempt to resolve an allegation by explaining department policies and procedures and will so note on the intake form.

(b) Upon receipt of the allegation the Division Commander shall determine whether it alleges a violation of policy, procedure or law.

1. If the allegation does not rise to the level of a complaint the Division Commander shall send a letter to the complainant advising of this decision. Copies shall be sent to the affected member and the Support Services Lieutenant for entry into the database.
2. If the allegation does rise to the level of a complaint the Support Services Lieutenant will evaluate to determine which process is applicable:
   (a) Mediation
   (b) Non-disciplinary investigation
   (c) Disciplinary investigation
   (d) Criminal investigation

(c) Temporary Relief form Duty: Any supervisor may suspend with pay a member, pending the completion of a formal investigation, if that supervisor believes the member:

(a) Is physically, mentally, or emotionally incapable of performing their duties;

(b) Is subject of a criminal investigation; or

(c) An allegation has been made of such a nature or extent that the continuance of their duties pending the outcome of an investigation would not be in the best interests of the department.

(a) Any supervisor suspending a member shall complete a report of the incident and expeditiously forward it through the chain of command. The report shall be provided to the Chief of Police no later than 9:00 a.m. on the next working day unless the violation, in the judgment of the supervisor, is so egregious as to require immediate notification.

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See attachment: Allegation Review.jpg

1020.5 PROCESSES

1020.5.1 MEDIATION

Is used as a means to resolve differences between a complainant and a department member. It may be used for complaints that are non-repetitive, minor rules violations. Qualified mediators will be assigned by the Chief of Police or designee.

Both the complainant and the department member must agree in writing to the mediation process. If mediation can not be agreed upon by both parties the complaint will be handled either as a non-disciplinary investigation or a disciplinary investigation. If the complainant fails to attend scheduled mediation, the process will be considered concluded. If a department member fails to attend, the case will be handled either as a non-disciplinary investigation or a disciplinary investigation.

The completion of mediation will be considered final resolution of the complaint, therefore, mediation outcomes will not result in a finding.

1020.5.2 NON-DISCIPLINARY INVESTIGATION

May be used for complaints of minor, non-repetitive rule violations and shall be investigated by the appropriate supervisor. These complaints, if sustained, will result in non-disciplinary action. The member shall be advised in writing prior to the interview that it will not be used against him or her for disciplinary purposes.

If at any time during the course of an investigation the investigator believes the complaint is more serious than first reported, the supervisor shall immediately stop the current investigation. The investigator shall inform the accused member and the Division Commander, who will then review the additional information and assign the appropriate process.

1020.5.3 DISCIPLINARY INVESTIGATION

Is used for complaints of serious and/or repetitive rules violations and shall be investigated by the appropriate supervisor. These complaints if sustained could result in disciplinary action or non-disciplinary action.

The disciplinary investigation process is as follows:

(a) The Division Commander Shall assign the complaint to the appropriate investigator.

(b) Prior to any disciplinary interview the member concerned shall be notified not less than twenty-four (24) hours before the interview or such time as written reports are required, except when, in the opinion of the Chief of Police or designee, a delay will jeopardize the success of the investigation or when criminal conduct is at issue.

- If the member is advised in writing that the interview will not be used against him or her for disciplinary purposes, then the 24 hour notice will not be required. A member may voluntarily waive the above twenty-four hour (24-hour) notice.

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(c) The notice shall include the specific reasons for the interview, a statement of whether the member is a witness or a suspect, and any other information necessary to reasonably inform him/her of the nature of the complaint. The member shall be notified of the right to and afforded an opportunity and facilities, subject only to scheduling limitation, to contact and consult privately with an attorney and/or a representative of the Association, and to have that representative and/or attorney present at any interview.

(d) The interview shall be conducted in the department office unless mutual agreement of the parties or the particular circumstances of the situation require another location.

(e) Any interview of a member normally shall be when he/she is on duty, unless the serious nature of the investigation dictates otherwise.

(f) Parties to the interview shall be limited to those reasonably necessary to conduct a thorough and fair investigation. The member shall be informed as to the name and rank and command, or other similar information of all persons present, if they are unknown to him/her, and may have an Association or other representative present to witness the interview and assist him/her.

(g) The interview shall be limited in scope to acts, events, circumstances and conduct which pertain to the subject investigation and shall be conducted in a manner devoid of intimidation or coercion. The member shall be granted reasonable rest periods, with one (1) intermission every hour if so requested. Interviews exceeding two (2) hours shall be continued only by mutual consent.

(h) If the interview is recorded, the member shall be provided with a copy of the recording upon request, or he/she may record the interview himself/herself at his/her own expense, and the City shall be provided with a copy. If any portion of the recording is transcribed, the member shall be given a copy. Interview proceedings shall be kept confidential by all concerned.

1020.5.4 CRIMINAL INVESTIGATION

In the event that the Division Commander believes that the allegation involves conduct that may be criminal in nature he/she will immediately notify the Chief of Police. The Chief of Police shall assign the complaint to the appropriate investigator.

Upon completion of the criminal investigation, the allegation will return to the complaint review process at 1020.4 Procedures b.

1020.5.5 FINDINGS

(a) The complaint investigator shall submit a recommended finding through channels to the Chief of Police.

(b) The Chief of Police shall review the recommended finding and supporting documents, and shall give final approval of the finding.

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1020.5.6 IMPLEMENTATION

(a) Non-disciplinary investigations

1. Non-sustained findings will be returned to the complaint investigator for formal notification of the complainant and the accused member.
2. Upon final approval, the Chief for Police shall return sustained non-disciplinary findings to the complaint investigator for corrective action.

(b) Disciplinary investigations

1. Upon final approval, the Chief of Police shall return non-sustained disciplinary findings to the complaint investigator for formal notification of the complainant and the accused member.

(c) Sustained disciplinary findings shall be returned to the complaint investigator for service and implementation of the decision.

(d) The complaint investigator shall provide formal notification to the accused member including:

1. The particular rule(s) alleged to have been violated;
2. The dates and places where the alleged acts or omissions occurred;
3. A statement of the alleged acts or omissions;
4. The proposed disciplinary action;
5. The member's right to a Loudermill hearing and a date by which the member must request a hearing.

(e) If a Loudermill hearing is held, the member shall receive a written statement of the Chief's decision.

(f) The member may appeal any decision as outlined in state law, ordinances, collective bargaining agreement or departmental procedures.

1020.8 COMPLAINT FILE RECORDS RETENTION

(a) The department will maintain a computerized log of all citizen allegations. Allegations will be number, and the numbering system will start each year on January 1st (ex. 03-01 etc.).

(b) All records of allegations and complaints will be maintained in confidence within the Chief's central complaint file. The computerized log will only be accessed by the Chief, Assistant Chief, Captain, Confidential Executive Assistant, and Support Services Lieutenant.

(c) Retention of complaint information in the database and the hard file will be in accordance with OAR 166-200-0090 Disciplinary Action Records, and will be administered as follows:

1. If a disciplinary complaint is sustained, a copy of the action taken will be placed in the member's evaluation file and will be purged 3 years after resolution. Copies will also be sent to Human Resources, the complaint database and the Chief's confidential

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file. A member may petition the Chief of Police in writing to have a complaint entry removed after 5 years if no further violations of that particular nature occur.

2. Complaints that are not sustained will remain in the database for 3 years after resolution. All complaints not sustained and older than 3 calendar years will be purged from the database and hard file by January 15th of each year.

3. Mediated complaints will not be placed in any member's file. Copies will be maintained in the central complaint file. Mediated complaints older than 3 calendar years will be purged from the database and hard file by January 15th of each year.

4. If a non-disciplinary complaint is sustained, a copy of the action taken will be placed in the member's evaluation file and will be purged after the evaluation period. Non-disciplinary complaints older than 3 calendar years will be purged from the database and hard file by January 15th of each year.

(d) It is the responsibility of the Confidential Executive Assistant to maintain a central file for complaints in a secured area and kept in conformity with state law.

1020.8 GENERAL INVESTIGATIVE RULES

(a) Prior to a disciplinary complaint interview the member shall be provided their Garrity rights:

1. The member shall be ordered to answer all questions completely and truthfully.

2. Refusal to comply with an order to answer such questions is a violation of departmental rules which may subject the member to further discipline up to, and including dismissal.

3. Self-incriminatory admissions made during the interview may only be used in subsequent administrative proceedings, and shall not be used against the member in any subsequent criminal proceedings.

4. Members will be permitted to have an attorney, TPOA representative, or other personal representative with them in the room during any complaint interview. The member's representative is limited to acting as an observer of the interview, to advise and confer with the member, and to ask questions of clarification.

(b) During interviews, there will be one member designated as the interviewer and only the interviewer will ask questions of the member.

(c) Members under investigation shall not be subjected to offensive language, nor threatened with transfer, dismissal, or disciplinary action during an interview. No promise or reward shall be made by the internal investigators as an inducement to answer any questions.

(d) The complete interview shall be recorded. Any interruptions will be noted, and any relevant discussions transpiring during breaks will be summarized on the tape recorder and verified for accuracy by the member.

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(e) Investigations of complaints shall be completed within 30 days after the member is notified of the investigation. A completed investigation includes formal notification of the findings and proposed discipline if applicable. If more time is needed for the investigation, the investigator will request a time extension from the Chief of Police, and send notice to the complainant as well as the accused member.

Accused members or their supervisor may contact the Division Commander to ascertain the status of the investigation of a complaint filed against them.

(f) The accused members shall be afforded their rights under the Loudermill decision.

(g) Special Examinations

1. A member under investigation may request an intoxilyzer, blood, urine, psychological, or medical examination to his or her defense.
2. A member may also be asked to submit a financial disclosure statement if that information is germane to an internal investigation currently being conducted or if they are the records of department funds. If the member fails to voluntarily provide the information, the department may seek that information through any available legal channels. Failure to provide financial records of department funds may result in disciplinary action.
3. For non-criminal investigations, an on-duty supervisor shall direct a member to submit to a breath, blood or urine test if a level of intoxication or drug usage is suspected as the factor related to duty performance.
4. Property belonging to the law enforcement agency is subject to inspection where the employer has a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files and storage lockers.
5. Polygraph examinations can not be required and will not be used in internal investigations.

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Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to assure maximum operator and passenger safety, thus minimizing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN

A properly installed, approved child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORS 811.210).

Children under the age of 13 should be transported in the rear seat. In the event that the appropriate restraints are unavailable, officers should arrange for alternate transportation.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of seat belts (Oregon Revised Statutes 811.215 (6)). The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Tigard Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.2.1 USE OF SOFT BODY ARMOR

Members in a uniform assignment are required to wear body armor. Body armor is not required when members are assigned to duties where they are not in direct contact with the public, or when they are wearing their Class A uniform at a special occasion (see 1046.3), or when authorized by the Chief of Police.

When sworn members are assigned to a TNT operation, stakeout, service of felony arrest warrant(s), or, are serving a search warrant at a location where there is reason to believe a felony suspect may be present, the wearing of body armor is mandatory.

Body armor must be either department-issued or department-approved.

A stakeout, for purposes of this section, is a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Tigard Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

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(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 FIREARMS COORDINATOR RESPONSIBILITIES

The Firearms Coordinator should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of personnel records pursuant to Oregon Revised Statutes 192.502 and the Collective Bargaining Agreement, please refer to Policy 1003.

1026.2 PERSONNEL FILES DEFINED

Personnel files shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including telephone, mailing address, marital status, family members, educational and employment history, or similar information.

(b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.2.1 REPORTING OF CHANGES IN PERSONAL INFORMATION

All members shall provide the current telephone number and the current mailing address of their residence. The use of a post office box or an address other than the member's actual residence is prohibited. Division heads may authorize temporary exceptions for good cause providing that the member supplies the Division head with the actual residence location. Unless ordered by the court to do so, the Tigard Police Department will not disclose a member's home address. No member may disclose another member's home address without proper authorization.

The member will notify their supervisor in writing within 24 hours whenever there is a change in name, address, telephone numbers, family status, martial status, equipment, emergency notification, assignment or relief by filling out a standard Personnel Action Form (PAF). The supervisor will be responsible to insure that the employee records are updated by providing the Chief's Confidential Assistant with the PAF. Such notification is required when the member is on leave or disability. If a member is on leaver or disability, they may notify their supervisor by phone.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

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Department File - That file which is maintained in the office of the Chief of Police as a permanent record of an employee's employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Certain information contained in personnel records is confidential and shall not be subject to disclosure except as provided by Policy Manual § 810, the provisions of the Oregon Public Records Law, or pursuant to lawful process (Oregon Revised Statutes 181.854).

1026.5 REQUESTS FOR DISCLOSURE

No requests for the disclosure of any information contained in any personnel record shall be considered received unless it is in written form. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Custodian of Records or other supervisor charged with the maintenance of such records.

Upon receipt of any such request, the responsible supervisor shall notify the affected employee(s) as soon as practicable that such a request has been made (Oregon Revised Statutes 181.854).

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

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by Policy Manual 810 or pursuant to lawful process, no information contained in any peace officer personnel file shall be disclosed to any unauthorized employee or other person(s) without the expressed prior written consent of the involved officer (Oregon Revised Statutes 181.854(4)).

If an investigation of a public safety employee of this department results from a complaint, the Department may disclose to the complainant the disposition of the complaint and if necessary

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provide a written summary of the information obtained in the investigation (Oregon Revised Statutes 181.854(5)).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s).

Employees may be restricted from accessing any of the following:

(a) Background information, letters of recommendation, test results, and promotional assessments

(b) Ongoing internal investigations pending final disposition or notice pending to the employee of intent to discipline

(c) Internal Affairs files which have not been sustained against the employee to the extent that such files contain confidential information

Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The department shall thereafter remove any such item if appropriate or, within 30 days, provide the employee with a written explanation why the contested items will not be removed. If the contested item is not removed from the file, the employee's request and the Department's written response shall be retained with the contested item in the employee's personnel file.

1026.7 TYPES OF PERSONNEL FILES

Personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.

(b) Documents related to disciplinary action:

1. Disciplinary action resulting from sustained complaints or observation of misconduct shall be maintained in the individual employee's Department file at least three (3) years. If the disciplinary action results in an employee's termination from this agency, the record of that action will be maintained for ten years after the separation in accordance with Oregon Administrative Rules 166-200-0090(6) and OAR 166-150-0160(6).

2. Investigative files relating to complaints or discipline shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs File.

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(c) All documents related to employee performance, once the employee has had the opportunity to read and initial the document.

1. No employee may place an adverse comment in the personnel records of an employee unless the employee has first read and signed the document containing the adverse comment. If an employee refuses to sign a document containing an adverse comment, the employer may place the document in the employee's personnel records with a notation that the document was presented to the employee and the employee refused to sign it ORS 652.750 (6).
2. An employee may write a response within 30 days of being presented with a document containing an adverse comment. If an employee writes a response to a document containing an adverse comment, the Administration Supervisor must ensure that the response is attached to the original document and placed in the employee's personnel records (ORS 652.750 (6)).

(d) Employee Personnel Records not related to discipline shall be retained for six years after separation (Oregon Administrative Rules 166-150-0160(7)).

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(g) A photograph of the employee.

1026.7.2 DIVISION FILE

The division file should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file
2. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy

(b) Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation

All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of the Inspections Officer in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Inspections Officer. These files shall contain the

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complete investigation of all formal complaints of employee misconduct regardless of disposition. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002) with an alphabetically arranged index card cross-referenced for each involved employee.

1026.7.4 TRAINING FILES

An individual training file shall be maintained by the training office or supervisor for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The training officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.5 MEDICAL FILE

The medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

1026.8 PURGING OF FILES

Generally, personnel files must be maintained by the Department according to corresponding state Archives Division law. Investigations resulting in disciplinary action or exoneration must be retained for two years (counties) or for three years (cities) after resolution (OAR 166-150-0135; OAR 166-200-0090; OAR 166-200-0100).

Unfounded investigation records and all related files not resulting in disciplinary action and having no pending litigation or other ongoing legal proceedings may be purged after being held for one year (counties) or three years (cities) (OAR 166-150-0135; OAR 166-200-0090; OAR 166-200-0100).

If the investigation resulted in termination, all related files must be retained for 10 years after separation (OAR 166-200-0090; OAR 166-200-0100; OAR 166-150-0135).

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(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the required retention period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable required retention period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the required retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

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Department Awards & Commendations

1030.1 PURPOSE AND SCOPE

All members are encouraged to report acts of exemplary service to the community or the department that are deserving of recognition. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious, distinguished, or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the department
- Any action or performance that is above and beyond the typical duties of an employee
- Distinguished service to the community and the department over a period of time, demonstrated as part of a unit/team or as an individual

1030.4 AWARD CLASSIFICATIONS

The following classifications are to be used in issuing commendations to members of the Tigard Police Department.

- Medal of Valor
- Police Medal
- Police Star Medal
- Life Saving Award
- Distinguished Service Medal
- Achievement Medal
- Commendation Medal
- Unit Commendation Medal
- Letter of Commendation

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- Letter of Recognition
- Letter of Appreciation

The following classifications are to be used in issuing commendations to citizens.

- Medal of Heroism
- Life Saving Award
- Distinguished Service Medal
- Commendation Medal
- Certificate of Appreciation

1030.5 AWARD CRITERIA

(a) The Medal of Valor may be awarded to Police Department employees under the following criteria:

1. The employee performed an act of heroism; the act was above and beyond the call of duty
2. The situation was extremely hazardous and the employee was aware of the hazards
3. The employee did not use poor judgment or procedures that caused the need for action
4. The employee was exposed to imminent danger that could have resulted in death or serious injury and the objective was of sufficient importance to justify the risk
5. Process of awarding the Medal of Valor:
   (a) Endorsed by a majority of the staff (first line supervisors, division commanders and Chief of Police)
   (b) The medal shall be accompanied by a framed certificate
   (c) A ribbon will be authorized to be worn on the uniform by the recipient of this award. Multiple awards will be signified by a gold star affixed to the ribbon.

(b) The Police Medal may be awarded to Police department employees under the following criteria:

1. The employee made the correct decision with very limited information during a high risk or dangerous situation
2. Employee was subjected to direct hazard that could not be avoided to complete their duties

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3. The employee was involved in a lifesaving or life-threatening situation that involved severe hazard to the employee
4. The employee used proper judgment and discretion and did not precipitate the necessity for the act
5. Process of awarding the Police Medal:
    (a) Endorsed by the majority of staff (first line supervisors, division commanders and Chief of Police)
    (b) The medal shall be accompanied by a framed certificate
    (c) A ribbon will be authorized to be worn on the uniform by the recipient of this award. Multiple awards will be signified by a silver star affixed to the ribbon.

(c) The Police Star Medal may be awarded to Police Department employees or family under the following criteria:

1. The employee received a serous injury or death as a result of actions committed while engaged in an official police duty involving the safety of persons or property
2. Process of awarding the Police Star Medal:
    (a) Endorsed by the majority of staff (first the line supervisors, division commanders and the Chief of Police)
    (b) The award shall consist of a medal and be accompanied by a framed certificate
    (c) A ribbon will be authorized to be worn on the uniform by the recipient of this award. Multiple awards will be signified by a bronze star affixed to the ribbon.

(d) The Life Saving Award shall be awarded to Police Department employees or community members who saved or prolonged the life of another person.

1. The process of awarding the Life Saving award:
    (a) The nominee was aware of the seriousness of the situation
    (b) The nominee acted purposely
    (c) The nominee did not carelessly precipitate the necessity for the act
    (d) If the nominee had not acted, it was more likely than not the person would have died.
    (e) The life saving medal will consist of a medal and be accompanied by a framed certificate .

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(f) A ribbon will be authorized to be worn on the uniform by the recipient of this award.

(e) The Distinguished Service Medal shall be awarded to Police Department employees or community members under the following criteria:

(a) For exceptional accomplishments, which went above and beyond their assigned work duties or responsibilities and furthered the goals of the department and/or enhanced the livability of the community.

(b) The nominee made a significant and major contribution to the development of programs, policies or procedures, which had a substantial and positive impact on the goals of the Department.

(c) The nominee conducted a long-term investigation or solved a neighbor-hood problem that had a tremendous impact on the community.

(d) The nominee took exceptional action while assisting the community.

(e) During the course of one's career, the nominee performed in an exceptional manner (of greater significance than those acts noted for the Achievement Medal).

(f) Process of awarding the Distinguished Service Medal:

(a) Endorsed by the majority of staff (first line supervisors, division commanders and the Chief of Police).

(b) The award shall consist of a medal and be accompained by a framed certficate.

(c) A ribbon will be authorized to be worn on the uniform for the recipient for this award.

(f) The Achievement Medal shall be awarded to any Police Department employee under the following criteria:

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1. For achievement that went above and beyond their assigned work duties or responsibilities meriting greater recognition than a Commendation Medal, but not sufficient to merit the Distinguished Service Medal.

2. The employee's act brought great credit to the Department and the profession.

3. During the course of a long-term assignment, the employee performed in an exemplary manner.

4. The employee acted as an outstanding role model or mentor for others within the criminal justince profession.

5. The employee made a significant contribution to the development of programs, policies or procedures, which had a substantial and positive impact on the goals of the Department.

6. The employee conducted an investigation, made an arrest or solved a neighborhood problem that had a marked impact on the community.

7. Process of awarding the Achievement Medal:

    (a) Endorsed by the majority of staff (first line supervisors, division commanders and the Chief of Police).

    (b) The award shall consist of a medal and be accompained by a framed certificate.

    (c) A ribbon will be authorized to be worn on the uniform of the recipient of this award.

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(g) The Commendation Medal shall be awarded to Police Department employees or community members under the following criteria:

1. For performance(s) that went above and beyond their assigned work duties or responsibilites meriting greater recognition than a Letter of Commendation.

2. The nominee was/is involved in a distinctive off-duty activity, which supported(s) the community.

3. The nominee exemplified the Community Policing philosophy through close cooperation with the community and/or other agencies.

4. The nominee has received Letters of Commendations or awards from the Department, from other agencies or organizations or from private citizens which bring credit to the Department and the community.

5. The nominee authored law enforcement related material published in a national publication.

6. The nominee solved a long-standing problem through his/her own initiative.

7. The nominee performed with distinction as an Acting Sergent, Lieutenant, Captain, or non-sworn Supervisor or Manager.

(h) The Unit Commendation Medal shall be awarded to any Police Department unit, relief or division under the following criteria:

1. Whose members, as a group, performed in a manner, which if performed by an individual, would merit recognition in the form of a Commendation Medal, Achievement Medal, or Distinguished Service Medal.

2. The Unit Commendation Award will include a Letter of Commendation with an annotation of Unit Commnedation Award at the top.

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3. Process of awarding the Unit Commendation Medal:

    (a) Endorsed by the majority of staff (first line supervisors, division commanders and the Chief of Police).

    (b) The award shall consist of a medal and be accompained by a framed certificate to each member.

    (c) A ribbon will be authorized to be worn on the uniform of the recipient of this award.

1030.6 COMMENDATIONS

(a) A Letter of Commendation may be issued by a supervising officer to Police Department employees under the following criteria:

1. The employee made the correct decision involving complicated or hazardous incident or situation.
2. The employee was not necessarily exposed to direct hazard or danger, although the danger or hazard may have been present during critical incident or investigation.
3. The employee while serving in an official capacity either on or off duty, in the best interests of the Department, distinguished himself or herself through accomplishment of an outstanding service.
4. Process of awarding the Letter of Commendation:
    (a) Issued by a supervising officer and endorsed by the Chief of Police.
    (b) The Letter of Commendation shall be included in the recipient's personnel file.
    (c) A copy should be forwarded to the Inspections Unit.

(b) A Letter of Recognition may be issued by a supervising officer to Police Department employees under the following criteria:

1. The employee has performed acts of service deserving Departmental recognition while completing routine work but under unusual or out of the ordinary circumstances; may be under a risk situation
2. The employee showed special tenacity or initiative in an official capacity on or off duty

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3. The employee conducted coordination of varied resources to solve cases or excellent observation and follow up to a successful conclusion
4. Truly professional behavior shown by the employee
5. Excellent decision in an unusual circumstance
6. Process of awarding a Letter of Recognition
    (a) Endorsement of division commander
    (b) The Letter of Recognition shall be included in the recipient's personnel file
    (c) A copy of the letter shall be sent to the Chief's office
    (d) A copy shall be sent to the Inspections Unit.

(c) A Letter of Appreciation may be issued by any employee to another Police Department employee under the following criteria:

1. Work done well, but within job description
2. Good investigation and casework resulting in successful conclusion
3. Significant improvement in job performance
4. Process of awarding the Letter of Appreciation
    (a) Endorsement of the employee's first line supervisor
    (b) The Letter of Appreciation shall be included in the recipient's current evaluation but not the personnel file
    (c) A copy of the letter shall be sent to the Chief's office, City Manager's office, supervisor of the employee, employee performance file, bulletin board, the Inspections Unit, and to the person involved.

(d) Citizen Commendations received via letter, phone or in person may be issued under the following criteria:

1. The receiving supervisor will review all citizen communications and determine if they should be considered by staff as a formal commendation.
2. If not considered for a formal commendation after review, the communication will be given directly to the employee.
3. The Citizen's Commendation will be included in the recipient's current evaluation.
4. A copy of the Citizen's Commendation will be forwarded to the Inspections Unit.

(e) Certificate of Appreciation may be awarded to citizens of the community who have performed outstanding acts which have greatly assisted law enforcement officials in the performance of their duties.

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1. This award shall consist of a certificate signed by the Chief of Police, and shall be accompanied with a letter describing the act. This shall be presented to the citizen by the Chief of Police.
2. Nothing in this policy is to prevent the department from sending thank you letters to citizens who provide assistance to us.

(f) The Medal of Heroism - Civilain is the most distinguished award presented to a community member under the following criteria:

1. For an outstanding act of heroism. This act must be consistent with the factors described in the Medal of Valor section of this policy.
2. The act invovled the preservation of human life.
3. The situation was extremely hazardous; the nominee was able to evaluate the situation, was aware of the hazards and took action.
4. A strong possibility of death or serious physical injury existed when the nominee acted.
5. The nominee's actions were consistent with good judgment.
6. The nominee would not be subjected to reasonable criticism had he/she not taken action.
7. The objective was of sufficient importance to justify the risk.
8. Process for awarding the Medal of Heroism:
   (a) Any member of the Department may nominate a civilian for the Civilian Medal of Heroism.
   (b) The award will be approved by the Chief of Police and consist of a medal and a framed certificate.

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Fitness for Duty

1032.1 PURPOSE AND SCOPE

The safety and well-being of employees and the citizens we serve, requires that all employees be free from any physical, emotional, or mental condition which might adversely affect service to the public. The purpose of this policy is to ensure that all employees of this department remain fit for duty and able to perform their job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the duties of their job function.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

(e) 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.

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

1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.

(b) 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.

(c) 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.

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(d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 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.

1032.5 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 Watch Commander or unit supervisor and concurrence of a Division 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.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police 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 Department 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 Department 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.

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(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.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 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.

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

1032.8 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 Policy.

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Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager and as outlined in the current Collective Bargaining Agreement, please refer to Policy 1003.

1034.1.1 MEAL PERIODS

All TPOA and other sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of WCCCA.

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Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

Employees desiring to take a lactation break shall notify communications or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to provide lactating employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the employee ends her shift. Alternatively the Department will make reasonable provisions to provide a place for the employee to store her own cooler for the purpose of storing expressed milk.

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Scheduling and Time Statements

1038.1 PURPOSE AND SCOPE

To outline the use of INTIME as our scheduling and time statement program to ensure the maintenance of work schedules and the production of accurate paperless time statements.

1038.1.1 DEPARTMENT POLICY

It is the policy of the Tigard Police Department to use the Intime Scheduling Engine (ISE) to create, maintain and update daily schedules for all units within the department. ISE will be utilized to approve and/or reject time statements, requests for activity approval such as overtime or extra assignments, and will be used to post overtime opportunities. All department employees will utilize the Employee Self-Service (ESS) portal to access their schedules, submit time statements, request overtime and leave and to have overtime time and other activities approved by a supervisor. Time Statements created in ISE will be electronically submitted to the City's financial software during payroll weeks, and accruals will be updated by that system in ISE at the beginning of each payroll cycle.

1038.1.2 DEFINITIONS

ISE (**Intime Scheduling Engine)** This refers to the online database where scheduling and approvals take place.

ESS (**Employee Self Service)** This is the online self-service portal where all employees will access their schedule, requests for leave and Overtime and view posted overtime and assignment opportunities.

1038.2 ISE DATABASE STRUCTURE

The ISE database is maintained by department members designated as Administrators who have the highest level of security clearance within the program to allow access, by other members and to make significant structural changes within the ISE program as it pertains to Tigard Police Department scheduling and financial information. The administors shall be designated by the Chief of Police or his designee. Master Schedulers are responsible for the creation of worked schedules and Daily Schedulers are those supervisory staff who will be updating the schedules and approving leave, overtime and time statements. It will be the responsibility of a system administrator to ensure a new user is entered into the system properly and to schedule training of that individual before actual use begins.

1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall enter the ESS portal at the beginning of their shift or as soon as possible once the shift has begun. When an employee enters the ESS portal for the first time they will be required to enter and verify their user information and create a new password.

Employees will use the ESS to request leave, to submit activities and overtime, and to submit their time statements. Employees should enter the ESS and submit overtime activities immediately after working the overtime. Time statements shall be submitted no later than 8:00 AM on the

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Monday morning following a pay period's end.Notifications from INTIME called "*postings*" will let members know of certain overtime opportunities, other activities they may be eligible to sign up for remotely, as well as notification when leave requests, overtime and time statements are approved. These notifications are made through an e-mail service. Members who wish to be notified of these opportunities and approvals outside of their work e-mail account must provide the department with a personal e-mail address that is kept up to date.

There is no requirement for an employee to view or use the ESS portal while off-duty, however doing so is not prohibited by the department when viewing and using the portal for less than seven-and-a-half (7 ½) minutes. Seven-and-a-half (7 1/2) minutes shall be considered de-minimus and will not be compensated by the department as referenced in TPOA Article 13.5. Should a member believe they will need more time to view the ESS portal while off duty, they are required to contact a supervisor before doing so for authorization of overtime.

It is the employee's responsibility to obtain approval from a supervisor in advance before working any overtime assignment, detail or duty.

1038.2.2 SUPERVISORS RESPONSIBILITY

Supervisory staff shall enter the ISE database and review the pending requests from their workgroup on a daily basis during their work week. The supervisor shall ensure the employees' shift start and end times are correct. The supervisor is responsible to keep the schedule up to date as necessary by entering blocks of activity or leave if an employee is unable to do so via the ESS portal.

An attempt shall be made to review and approve or reject requests on a daily basis. If the system is not working as designed, for any reason, the supervisor will immediately contact the INTIME help service and make other notifications to the chain of command as necessary.

Before approval of any activity request, leave request or time statement, the supervisor shall check the schedule to verify the accuracy of the request or time statement. If a supervisor will be gone, arrangements must be made to ensure another supervisor takes on the responsibility of review and approval for that workgroup. This "*continuity of approval*" is an expectation of all supervisors within their work groups.

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Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy and the Collective Bargaining Agreement. Please see Policy 1003 to see attached Collective Bargaining Agreement.

1040.1.1 DEFINITIONS

Outside Employment - Any work performed by a member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Compensation received by a member of this department who performs law enforcement duties or services on behalf of an outside organization, company, or individual. Such outside overtime shall be requested and scheduled directly through this department.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete a memorandum requesting outside employment which shall be submitted to the employee's immediate supervisor. The memorandum will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved memorandum. Unless otherwise indicated in writing on the approved memorandum, the approval will be valid through the end of the calendar year in which it has been approved. Any employee seeking to renew outside employment shall submit a new memorandum in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the memorandum at the time of the denial.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Memorandum is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment memorandum may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment memorandum. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment memorandum.

(b) Suspension or revocation of a previously approved outside employment memorandum may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment memorandum may be rescinded until the employee has returned to a full duty status

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Memorandum submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

1040.3.1 OUTSIDE SECURITY EMPLOYMENT

No member of this department may engage in any outside employment as a private security guard, private investigator or other similar private security position.

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Any private organization, entity or individual seeking outside security services from members of this department must submit a written application to the Chief of Police in advance of the desired service.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, participating employees shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any **outside employment**. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

Outside overtime (approved and scheduled by the department), may entail the use of municipal resources.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest.

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1040.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates his or her outside employment during the period of a valid memorandum, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should err on the side of reporting the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work memorandum, a notice of revocation of the member's memorandum will be forwarded to the involved employee, and a copy attached to the original work memorandum.

Criteria for revoking the outside employment memorandum include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Tigard Police Department, a request (in writing) may be made to the Chief of Police to restore the memorandum.

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Respiratory Protection Program

1041.1 PURPOSE AND SCOPE

To establish a respirator program to protect personnel that may be exposed to respiratory hazards during emergency operations. These hazards include hazardous material incidents, and possible terrorist actions. The purpose of this program is to ensure that all employees are protected from exposure to these respiratory hazards.

1041.1.1 SCOPE AND APPLICATION

This program applies to all employees who are required to wear respirators during some routine or emergency operations such as a spill of a hazardous substance. All department employees required to work in/under hazardous conditions must be enrolled in the Respiratory Protection Program.

1041.2 RESPONSIBILITIES

(a) The Respiratory Protection Program Administrator is for the Tigard Police Department is the MRT Sergeant. The Program Administrator is responsible for administering the Respiratory Protection Program in the Police Department. Duties of the Program Administrator include:

1. Identifying work areas, processes or tasks that require employees to wear respirators and evaluating hazards.
2. Selection of respiratory protection options.
3. Monitoring respirator use to ensure that respirators are used in accordance with their certifications.
4. Ensuring proper storage and maintenance of respiratory protection equipment.
5. Ensuring qualitative fit testing is conducted and necessary training occurs.
6. Administering the medical surveillance program through Tualatin Valley Fire and Rescue (TVF&R).
7. Maintaining records required by the program.
8. Evaluating and updating the overall program as needed. The Program Administrator for the Tigard Police Department is the MRT Sergeant.

(b) Supervisors are responsible for ensuring the Respiratory Protection Program is implemented in their particular areas. In addition to being knowledgeable about the program requirements for their own protection, supervisors must also ensure that the program is understood and followed by the employees under their charge. Duties of the supervisor include:

1. Ensuring employees under their supervision (including new hires) have received appropriate training, fit testing, and annual medical evaluation.

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2. Ensuring the availability of appropriate respirators and accessories.
3. Being aware of tasks requiring the use of respiratory protection.
4. Enforcing the proper use of respiratory protection when necessary.
5. Ensuring respirators are properly cleaned, maintained, and stored according to the respiratory protection plan.
6. Ensuring respirators fit well and do not cause discomfort.
7. Continually monitoring work areas and operations to identify respiratory hazards.
8. Coordinating with the Program Administrator to address respiratory hazards or other concerns regarding the program.

(c) Employees have the responsibility to wear a respirator when and where required and in the manner in which they were trained. Employees must also:

1. Care for and maintain their respirators as instructed, and store them in a clean sanitary location.
2. Inform their supervisor if the respirator no longer fits well and request a new one that fits properly.
3. Inform their supervisor or the Program Administrator of any respiratory hazards that they believe are not adequately addressed in the workplace and of any other concerns that they have regarding the program.

1041.3 PROGRAM ELEMENTS

(a) Hazard Evaluation:

1. The Program Administrator will select respirators to be used on site, based on the hazards to which employees are exposed and in accordance with all OSHA standards.
2. The Program Administrator will conduct a hazard evaluation for each operation, process, or work area where airborne contaminants may be present in routine operations or during an emergency response. The hazard evaluation will include:
    (a) Identification and development of a list of hazardous substances used in the workplace, by department, or work process.
    (b) Review of work processes to determine where potential exposures to these hazardous substances may occur. This review shall be conducted by surveying the workplace, reviewing process records, and talking with employees and supervisors.
    (c) Exposure monitoring to quantify potential hazardous exposures. Monitoring will be contracted out.

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1041.4 UPDATING THE HAZARD ASSESSMENT

The Program Administrator must revise and update the Hazard Assessment as needed (i.e., any time work process changes that may potentially affect exposure or when new emergency response scenarios are anticipated). If an employee believes respiratory protection is needed during a particular activity, he/she is to contact the supervisor or the Program Administrator. The Program Administrator will evaluate the potential hazard, arranging for outside assistance as necessary. The Program Administrator will then communicate the results of that assessment back to the employees. If it is determined that respiratory protection is necessary, all other elements of this program will be in effect for those tasks/responses and this program will be updated accordingly.

1041.5 SELECTION OF RESPIRATORS

The Program Administrator will obtain adequate respirators based on the need of the Department as determined through the hazard evaluation and assessment. All respirators must be certified by the National Institute for Occupational Safety and Health (NIOSH) and will be used in accordance with the terms of that certification. Also, all filters, cartridges, and canisters must be labeled with the appropriate NIOSH approval label. The label must not be removed or defaced while it is in use.

1041.6 MEDICAL EVALUATION

(a) Employees who are required to wear respirators must pass a medical exam before being permitted to wear a respirator on the job. Employees are not permitted to wear respirators until a physician has determined that they are medically able to do so. Any employee refusing the medical evaluation will not be allowed to work in an area requiring respirator use. Medical evaluation procedures are as follows:

1. The medical evaluation will be conducted using the questionnaire provided by Tualatin Valley Fire and Rescue (TVF&R) Occupational Health Nurse. The Program Administrator will provide a copy of this questionnaire to all employees requiring medical evaluations.
2. All affected employees will be given a copy of the medical questionnaire to fill out, along with a stamped and addressed envelope for mailing the questionnaire to the company physician. Employees will be permitted to fill out the questionnaire on company time.
3. Follow-up medical exams will be granted to employees as required by the standard, and/or as deemed necessary by the TVF&R.
4. All employees will be granted the opportunity to speak with the physician about their medical evaluation, if they so request.
5. The Program Administrator has provided the TVF&R with a copy of this program, a copy of the Respiratory Protection Standard, the proposed respirator type and weight, length of time required to wear respirator, expected physical work load

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(light, moderate, or heavy), potential temperature and humidity extremes, and any additional protective clothing required.

6. Any employee required for medical reasons to wear a positive pressure air purifying respirator will be provided with a powered air purifying respirator.

(b) After an employee has received clearance and begun to wear his or her respirator, additional medical evaluations will be provided under the following circumstances:

1. Employee reports signs and/or symptoms related to their ability to use a respirator, such as shortness of breath, dizziness, chest pains, or wheezing.
2. The employee's medical clinic physician or supervisor informs the Program Administrator that the employee needs to be reevaluated.
3. Information from this program, including observations made during fit testing and program evaluation, indicates a need for reevaluation.
4. A change occurs in workplace conditions that may result in an increased physiological burden on the employee. All examinations and questionnaires are to remain confidential between the employee and the physician.

1041.7 FIT TESTING

(a) Fit Testing is required for employees wearing respirators, as follows:

1. On an annual basis.
2. When there are changes in the employee's physical condition that could affect respiratory fit (e.g., obvious change in body weight, facial scarring, etc.).
3. Employees will be fit tested with the make, model, and size of respirator that they will actually wear.
4. Employees will be provided with several models and sizes of respirators so that they may find an optimal fit.

1041.8 RESPIRATOR USE AND MAINTENANCE

(a) General Use Procedures:

1. Employees will use their respirators under conditions specified by this program, and in accordance with the training they receive on the use of each particular model. In addition, the respirator shall not be used in a manner for which it is not certified by the National Institute of Occupational Safety and Health (NIOSH) or by the respirator manufacturer.
2. All employees shall conduct user seal checks each time they wear their respirator. Employees shall use either positive or negative pressure check (depending on which

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test works best for them) specified in Appendix B-1 of the Respiratory Protection Standard.

3. Employees are not permitted to wear tight-fitting respirators if they have any condition, such as facial scars, facial hair, or missing dentures, that prevents them from achieving a good seal. Employees are not permitted to wear headphones, jewelry, or other articles that may interfere with the face piece-to-face seal.

(b) Respirator Malfunction:

1. For any malfunction of a respirator (e.g., such as breakthrough, face piece leakage or improperly working valve), the respirator wearer should inform his/ her supervisor that the respirator no longer functions as intended, and go to the designated safe area to maintain the respirator.

2. The supervisor must ensure that the employee receives the needed parts to repair the respirator, or is provided with a new respirator.

(c) Cleaning, Maintenance, and Storage:

1. Respirators are to be regularly cleaned and disinfected at the designated respirator cleaning station located in the Police Department. Atmosphere supplying and emergency use respirators are to be cleaned and disinfected after each use but no less than once a year. The following procedure is to be used when cleaning and disinfecting respirators:

(a) Disassemble respirator, removing any filters, canisters, or cartridges.

(b) Wash the face piece and associated parts in a mild detergent with warm water. Do not use organic solvents.

(c) Rinse completely in clean warm water.

(d) Wipe the respirator with disinfectant wipes (70% Isopropyl Alcohol) to kill germs.

(e) Air-dry in a clean area.

(f) Reassemble the respirator and replace any defective parts.

(g) Place in a clean, dry plastic bag or other air tight container. (Note: The Program Administrator will ensure an adequate supply of appropriate cleaning and disinfection material at the cleaning station). If supplies are low, employees should contact their supervisor or Program Administrator.

(d) Maintenance Respirators are to be properly maintained at all times in order to ensure that they function properly and adequately protect the employee. Maintenance involves a thorough visual inspection for cleanliness and defects. Worn or deteriorated parts will be replaced prior to use. No components will be replaced or repairs made beyond those

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recommended by the manufacturer. The following checklist will be used when inspecting respirators:

(a) Face Piece: Look for cracks, tears or holes, face mask distortion, cracked or loose lenses or face shield.

(b) Head Straps: Look for breaks tears, or broken buckles.

(c) Valves: Look for residue or dirt, cracks or tears in valve material.

(d) Filters/Cartridges: Look for approval designation, gasket cracks, cracks or dents in housing, confirm proper cartridge for hazard.

(e) Storage Respirators must be stored in a clean, dry area, and in accordance with the manufacturer's recommendations.

(a) Each employee will clean and inspect their own air-purifying respirator in accordance with the provisions of this program.

(b) The respirators will be stored in the issued black nylon bag in the employee's own locker.

(c) Each employee will have his/her name on the bag and that bag will only be used to store that employee's respirator.

(d) The Program Administrator will store the Department's supply of non-issued respirators and respirator components in their original manufacturer's packaging in the designated storage room/area.

(f) Defective Respirators: Respirators that are defective or have defective parts shall be taken out of service immediately.

(a) If, during an inspection, an employee discovers a defect in a respirator, he/she is to bring the defect to the attention of his or her supervisor.

(b) Supervisors will give all defective respirators to the Program Administrator.

(g) The Program Administrator will decide whether to:

(a) Temporarily take the respirator out of service until it can be repaired.

(b) Perform a simple fix on the spot such as replacing a head strap.

(c) Dispose of the respirator due to an irreparable problem or defect.

(h) When a respirator is taken out of service for an extended period of time, the respirator will be tagged out of service, and the employee will be given a replacement of similar make, model, and size. All tagged out respirators will be kept in the storage cabinet inside the Program Administrator's office.

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1041.9 RESPIRATOR TRAINING

(a) The Program Administrator and the department Training Coordinator will provide and/or coordinate training to respirator users and their supervisors on the contents of the Respiratory Protection Program, employee and supervisor responsibilities under the program, and on the Occupational Safety and Health Administration (OSHA) Respiratory Protection Standards.

1. Workers will be trained prior to using a respirator in the workplace.
2. Supervisors will also be trained prior to using a respirator in the workplace or prior to supervising employees that must wear respirators.

(b) The training course will cover the following topics:

1. OSHA Respiratory Protection Standard.
2. Respiratory hazards that may be encountered and their health effects.
3. Proper selection and use of respirators.
4. Limitations of respirators .
5. Respirator donning and user seal (fit) checks.
6. Fit testing.
7. Emergency use procedures.
8. Maintenance and storage.
9. Medical signs and symptoms limiting the effective use of respirators.

(c) Employees must demonstrate their understanding of the topics covered in the training through hands-on exercises and a written test.

(d) Employees will be retrained annually or as needed (e.g., if they change exposures, need to use a different respirator).

(e) Respirator training will be documented by the Program Administrator and the documentation will include the type, model, and size of respirator for which each employee has been trained and fit tested.

(f) Program Evaluation:

1. The Program Administrator will conduct periodic evaluations of the workplace to ensure that the provisions of this program are being implemented.
2. Evaluations will include regular consultations with employees who use respirators and their supervisors, site inspections, air monitoring and a review of records.
3. Problems identified will be noted in an inspection log and addressed by the Program Administrator.

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4. Findings will be reported to Chief of Police and the report will list plans to correct deficiencies in the respirator program and target dates for the implementation of those corrections.

(g) Documentation and Record keeping:

1. A written copy of this program and the OSHA standard is kept in the Program Administrator's office and is available to all employees who wish to review it.
2. Copes if training and fit test records are maintained in the Program Administrator's office.
3. These records will be updated as new employees are trained, as existing employees receive refresher training, and as new fit tests are conducted.
4. The Program Administrator will also maintain copies of the medical records for all employees covered under the respirator program.
5. The completed medical questionnaire and the physician's documented findings are confidential and will remain at TVF&R.
6. The Department will only retain the physician's written recommendation regarding each employee's ability to wear a respirator.

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Occupational Disease and Work-Related Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An accidental injury or any disease or infection arising out of and in the course of employment that requires medical services or results in disability or death. The occupational disease (including a mental disorder) must be caused by substances or activities to which the member would not ordinarily be subjected or exposed except during employment with the Tigard Police Department (ORS 656.005(7); ORS 656.802).

1042.2 POLICY

The Tigard Police Department will address occupational diseases, mental health issues and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORS 656.001 et seq.).

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. The supervisor shall provide every injured member with a Report of Job Injury or Illness form (Form 801) immediately upon the member's request (ORS 656.265; OAR 436-060-0010).

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administration Division Commander to ensure any required Oregon Occupational Safety and

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Health Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the department's insurer no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010(3)).

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1042.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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City of Tigard Risk Management Policies and Procedures

1043.1 PURPOSE AND SCOPE
To establish procedures and policies for risk management practices for the Department.

1043.2 SAFETY RULES AND PROCEDURES
Please see attached rules and procedures.

1043.3 DRIVER'S RECORD REVIEW STANDARDS
Please see attached City driver's record review standards.

1043.4 INCIDENT REPORTING PROCEDURES
Please see attached City incident reporting procedures.

1043.5 EARLY RETURN TO WORK PROGRAM
Please see attached early return to work program guidelines.

1043.6 ERGONOMIC RULES AND PROCEDURES
Please see attached City ergonomic rules and procedures.

1043.7 HAZARD COMMUNICATION PROGRAM PROCEDURES
Please see attached City hazard communication program procedures.

1043.8 HEARING CONSERVATION PROGRAM
Please see attached City hearing conservation program.

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Uniforms, Clothing & Grooming

1045.1 PURPOSE AND SCOPE

The purpose of this order is to establish standards for the appearance of employees of the Tigard Police Department and to define acceptable equipment items. All members will wear the appropriate clothing or uniform, be properly equipped, well groomed and exhibit a professional appearance while performing their official duties. Professional appearance projects a responsive agency that takes pride in its work.

1045.2 UNIFORMS

Uniformed personnel shall wear only items issued to them or approved by the department. No modifications of uniforms or unauthorized insignia are permitted unless prior approval is granted from the Chief or his designee. All parts of the uniform shall be kept clean, neatly pressed, in good repair, and properly fitted. Issued items worn out or damaged in the line of duty shall be replaced or repaired by the department.

1045.3 ACCESSORIES

The following accessories are approved for wear with the uniform:

- Navy blue or black socks. Whites socks are permitted for medical purposes when recommended by a physician. Socks worn under boots and unseen can be of any color.
- When wearing a tie, the department authorized tie bar may be worn, lined up horizontally between the buttons of the shirt pockets.
- Appropriate cold weather attire such as sweaters, dickeys, insulated boots, etc. with the approval of their supervisor.
- Department issued National Rifle Association marksmanship badges.
- Award ribbons presented for department issued awards and/or awards issued by the Washington County Law Enforcement Recognition Committee.
- Department issued patches, pins, or insignias designating current assignment
- Smooth black leather boots (lace type or high top slip on), black oxford lace type shoes, or black "tennis" type lace shoes
- Navy blue or black undershirt, either crew or V-neck

1045.4 UNIFORM COMBINATIONS

1045.4.1 CLASS A UNIFORM - OFFICERS

- issued long-sleeved shirt
- issued necktie

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- issued trousers
- issued duty belt and equipment
- authorized shoes and socks
- issued protective vest

1045.4.1 CLASS A UNIFORM - COMMAND GROUP

- issued long-sleeved shirt
- issued necktie
- issued tie bar
- issued trousers
- authorized shoes and socks
- authorized duty belt and equipment
- issued vest (optional)
- issued hat (optional)
- issued jacket (optional)

1045.4.3 CLASS B UNIFORM - ALL OFFICERS

This is the default uniform for all sworn members of the department, unless otherwise directed by a supervisor.

- issued long-sleeved or short-sleeved shirt
- issued trousers
- authorized duty belt and equipment
- authorized shoes and socks
- issued protective vest
- issued ball cap (optional)

1045.4.4 CLASS C UNIFORM - TRAINING

- issued "5.11" blue long sleeve blouse
- issued "5.11" blue trousers
- authorized duty belt and equipment
- authorized shoes and socks
- issued protective vest
- issued ball cap (optional)

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1045.4.5 BICYCLE UNIFORM

- issued short sleeved yellow/black shirt
- issued yellow/black bicycle jacket
- issued black bicycle pants or shorts
- authorized duty belt and equipment
- authorized shoes and socks
- issued protective vest
- issued helmet

1045.4.6 MOTOR OFFICER UNIFORM

- issued 5.11 black trousers
- issued 5.11 black short sleeve shirt
- authorized duty belt and equipment
- authorized shoes and socks
- issued protective vest
- issued coat
- issued helmet

1045.4.7 A.T.V. UNIFORM

- issued 5.11 blue trousers
- issued 5.11 blue long sleeved blouse
- authorized duty belt and equipment
- authorized shoes and socks
- issued protective vest
- issued helmet

1045.4.8 INSTRUCTOR UNIFORM

- issued red polo shirt
- issued 5.11 blue trousers
- issued red ball cap (if necessary)
- authorized duty belt and equipment (if necessary)
- authorized shoes and socks
- issued protective vest (if necessary)

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1045.4.9 COMMAND DRESS UNIFORM

- issued white long-sleeved shirt
- issued necktie
- issued necktie tie bar
- issued “Ike Jacket”
- issued trousers
- authorized shoes and socks
- issued command hat

1045.4.10 RESERVE OFFICERS

- uniforms shall be of the same specifications as regular commissioned officers
- all badges will read "Reserve" on them.

1045.4.11 CADET UNIFORM

- issued trousers
- issued light blue short or long sleeve shirt
- authorized duty belt and equipment
- authorized shoes and socks
- issued protective vest
- all badges will be patch badges.
- cadets will also wear patches identifying them as Cadets
- issued polo shirt as stated in Policy 1048 (Cadet Program)

1045.5 WEAR OF UNIFORM

Uniforms shall be worn according to the following standards:

- The baseball hat is an optional item, which may be worn at the officer's discretion. When worn, the hat shall be set squarely on the head. The command dress uniform hat shall be worn for formal occasions.
- The badge shall be worn above the left pocket, on the provided badge tab of the outermost garment.
- The officer’s name shall be embroidered above the right pocket flap, as specified in the Uniform Details Section.
- The coat or raincoat may become part of any uniform.
- Authorized footwear for uniformed personnel must meet the following standards:

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  - Smooth black leather boots or black oxford lace type shoes.
  - Black lace boots or high-top boots or black "tennis" type lace shoes.
- Officers may purchase an Ike jacket at their own expense.
- Department authorized marksmanship badges may be worn as specified in the Uniform Details Section.
- Department authorized awards may be worn as specified in the Uniform Details Section.
- Pins or patches pertaining to a political candidate or ballot measure are prohibited.
- Service stripes may be worn on the sleeve of the long sleeve shirt and coats. One service stripe represents five (5) years of DPSST recognized sworn service, and may be worn as specified in the Uniform Details Section.
- Class A long sleeve shirts shall not have the cuffs rolled up and shall be fastened at the wrist by at least one button.
- Class C long sleeve shirts may have the sleeves rolled up to a location above the elbow.
- The bicycle yellow/black shirt shall not be worn as part of the ATV uniform.
- Sergeant stripes shall be worn on long sleeve, short sleeve shirts, and coats as specified in the Uniform Details Section.
- Command level rank (Lieutenant, Captain, Assistant Chief and Chief of Police) rank will be worn on long sleeve, short sleeve shirts and coats as specified in the Uniform Details Section.

1045.6 NON-UNIFORM ATTIRE

Officers assigned to Investigations or administrative positions shall wear clean appropriate clothing in contemporary styles in good condition.

Personnel attending court, including Grand Jury or making other public appearances for the department shall wear the uniform of the day or professional business attire.

Non-uniform employees shall wear clothing that is clean, neatly pressed, in good repair, and appropriate to work assignments.

1045.7 BADGE AND IDENTIFICATION CARD

All personnel issued a badge and/or identification card shall carry it on their person while on duty. Exceptions may be made for special undercover assignments.

- The badge and identification card remain the property of the Department. The loss of either shall be immediately reported, in writing, to a supervisor.
- It is the responsibility of each employee to keep his/her identification card current.

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1045.8 DUTY BELT

Black basket weave, plain leather or black nylon duty belts are authorized for uniformed personnel. Velcro leather or "snap" leather is acceptable. Silver, gold or black snaps consistent with the color of the belt buckle are authorized.

Non-uniformed personnel may use leather in black, brown, or beige in either plain or basket weave style; or they may use black nylon.

All items worn on the duty belt shall be properly secured to prevent injury or loss during a police action. Folding knives are permitted but must be concealed except for clip knives carried in the trouser pockets. Sheathed or fixed blade knives are not permitted to be worn in any fashion unless they are completely concealed.

Personnel shall maintain all equipment items, whether issued or furnished by the employee, in good condition and repair.

1045.9 PROFESSIONAL APPEARANCE STANDARDS

Personnel shall practice personal cleanliness and shall not become offensive to the public or other employees, and shall follow the standards as listed in the following subsections. Supervisors may make exceptions to this section based on assignment for non-uniformed sworn personnel.

1045.9.1 GENERAL PROFESSIONAL STANDARDS

- All members will keep their hair groomed, clean and combed.
- Non-sworn hairstyles shall be well kept, neat and not interfere with work assignments.
- Dyed, tinted or bleached hair must be within a naturally occurring color range and must be professional in appearance. "Naturally occurring color range" does not include unique colors such as pink, blue, or purple.

1045.9.2 SPECIFIC MALE STANDARDS

- Hair may extend so as to not touch the shirt collar, or extend past the eyebrows, or over the ears.
- Sideburns shall be cut squarely, be rectangular in shape, and not extend below the opening of the ear.
- Mustaches shall be trimmed at the edge of the upper lip and may, at the corners, reach the lower edge of the lower lip.
- Beards are prohibited.

1045.9.3 SPECIFIC FEMALE STANDARDS

- Female uniformed personnel may have longer hair, as long as it is secured tightly and meets the "General Professional Standards".

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- Females are authorized to wear lipstick and nail polish with all uniforms as long as the color is conservative. Extreme or vibrant shades of lipstick and nail polish such as purple, gold, blue or multi-colored will not be worn while in uniform.

1045.10 JEWELRY/TATTOOS

Personnel shall not attach, affix, or display objects, articles, jewelry ornamentation to or through the skin while in uniform or civilian clothes while on duty, except as follows:

- Supervisors may make exceptions to this section based on assignment for non-uniformed sworn personnel.
- Civilian female personnel may wear one earring per ear as long as it is in the earlobe - not dangling below.
- Uniformed personnel may not wear earrings due to safety issues with the exception of female uniformed personnel who may wear one earring per ear as long as it is in the earlobe.
- No ring(s) shall be worn so that it interferes with the use of equipment, hinders the use of hands on equipment, or has the potential of injuring the officer or citizen in physical confrontation.
- Visible tattoos, split tongues, or brands on the neck, face or head are prohibited. Tattoos on other areas of the body that are sexual, prejudicial, discriminatory or publicly embarrassing are prohibited. Additionally, any type of tattoo or brand that is visible while wearing a uniform is prohibited. Any visible tattoos that members had prior to the original manual adoption date of December, 2009 may be permitted to retain the tattoo upon approval and photographic documentation by the Chief of Police or his/her designee.

1045.11 PROTECTIVE VESTS

All commissioned uniformed personnel shall wear the vest while on duty except when assigned to the station for their entire shift.

- Non-uniformed sworn personnel shall wear the vest when they have reasonable cause to believe violence may occur.
- Personnel will wear their protective vest whenever directed to do so by a supervisor.

1045.12 UNIFORM DETAILS

On all Class A, B and C uniforms, the member's name will be embroidered in the department approved gold colored thread, Times New Roman font, 3/8 inch in size, in all capital letters using the officer's first initial, a period and a space, followed by their entire last name. The name will be centered over the right shirt pocket, 1/2 inch above the seam.

On the Class A uniform, the department issued marksmanship badges may be worn 1/4 inch below the top edge of the right pocket, with the top edge of the badge on the stitching, centered on the pocket (see the figure in section 1045.13).

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On the Class A uniform, Department issued awards may be worn 1/4 inch above the Officer's name, centered over the pocket (see the figure in section 1045.13).

Multiple department issued awards shall be worn in order of precedence from the wearer's right to left, in one or more rows as necessary with no spacing between row. The order of precedence for department authorized awards is:

(a) Medal of Valor

(b) Police Medal

(c) Police Star Medal

(d) Life Saving Medal

(e) Distinguished Service Medal

(f) Achievement Medal

(g) Commendation Medal

(h) Unit Commendation Medal

On the Class A uniform, authorized skill identifier badges (such as motorcycle wings) may be worn 1/4 inch above any department issued awards centered over the right pocket, or if no Department issued awards are present, 1/4 inch above the Officer's name, centered over the pocket (see the figure in section 1045.13).

The service stripe will be department authorized gold embroidered in color, and a 3/16 inch wide by 1 and 5/16 inch long diagonal insignia. The service stripe(s) are to be sewn in place at a 45 degree angle with the lower end pointed toward the inside seam of the sleeve 4 inches from the end of the sleeve cuff. For each 5 years of service, another stripe may be added above and parallel to the first stripe, with a 1/16 inch space between stripes.

Command level rank (Lieutenant, Captain, Assistant Chief and Chief of Police) shall be the department identified gold in color and embroidered on the Class A, Class B, Class C uniform shirts and coats.

Lieutenant - Insignia is a gold colored embroidered bar ¾ inch in length and ¼ inch wide is worn lengthwise on shirt collars, parallel to the shoulder seam on shoulder loops, ½ inch from the collar seam.

Captain - Insignia is two gold colored embroidered bars, each 3/4 inch in length ¼ inch in width and 1 inch in length. The bars are spaced 1/4 inch apart and are worn lengthwise on shirt collars, parallel to the shoulder seam on shoulder loops, ½ inch from the collar seam.

Assistant Chief – Insignia is a single gold colored embroidered star, ½ inch in length from point to point. The star is worn pointed up on shirt collars, parallel to the shoulder seam on shoulder loops, ½ inch from the collar seam.

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Chief of Police – Insignia is two gold colored embroidered stars, ½ inch in length from point to point. Stars are spaced ½ inch apart and are worn pointed up on shirt collars, parallel to the shoulder seam on shoulder loops, ½ inch from the collar seam.

All command level rank on dress coats will be full size metallic pin back emblems, and shall be placed centered on the epaulet, ½ inch from the shoulder seam of the sleeve, parallel to the shoulder seam. All other tactical or duty grade jackets will have sewn or embroidered full size command level rank.

On Command dress uniform, a metal name plate will be worn centered ¼ inch from top of the right pocket flap on the outermost garment.

On Command dress uniform, department issued awards, marksmanship badges, and skill identifier badges shall be worn as described above, on the outermost garment.

On Command level dress uniforms, rank shall be worn as described above, with exception of rank being brass pin on.

1045.13 UNIFORM DETAIL

See attachment: TPD Uniform Example.JPG

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Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Tigard Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1045 - Uniforms, Clothing & Grooming

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Tigard Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform except when the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

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(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform.

(i) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet
4. Sunglasses that are professional in appearance as determined by any supervisor.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie

(b) Polished shoes

Boots with pointed toes are not permitted.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

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(a) The long or short sleeve shirt may be worn with the collar open. No tie is required

(b) A navy blue or black crew neck t-shirt must be worn with the uniform

(c) All shirt buttons must remain buttoned except for the last button at the neck

(d) Shoes for the Class B uniform may be as described in the Class A uniform

(e) Approved all black unpolished shoes may be worn

(f) Boots with pointed toes are not permitted

1046.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1046.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.3.6 RESERVE OFFICER UNIFORM
The reserve officer's uniform will be the same as for the regular officer with the exception of the badge. All uniform policies, regulations and specifications apply equally to reserve officers.

1046.3.7 UNDERSHIRTS AND SOCKS
Undershirts and socks are at times a visible part of the uniform appearance. As such, the following guidelines apply to the wearing of these garments while in uniform.

(a) Only navy blue or black colored undershirts may be worn with any uniform.

(b) Command staff members may wear a white colored undershirt when wearing the dress white uniform shirt.

(c) Mock and turtleneck undershirts (navy, blue or black) may be approved for wear by an officer's direct supervisor. This is for purposes of inclement weather or hazmat conditions. Such wear should be free of logos except for those approved by the Chief of Police3 or designee.

(d) Only navy blue or black colored socks may be worn with any uniform.

(e) Only crew length socks (or longer) may be worn with any uniform.

(f) The Chief of Police or designee may allow departure from this policy for special uniforms and assignments, e.g. Bicycle Officers.

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1046.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, one inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes - Service stripes indicating five years of recognized DPSST service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn two inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the presses shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket only.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform, only attached with Velcro.

(e) Assignment Insignias and Awards - Assignment insignias and Awards, (SRO, FTO, Life Saving, Police Medal, etc.) may be worn as designated by the Chief of Police. These items will be centered above the nameplate.

(f) Badge - The department issued badge, or when approved an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions. Unless otherwise designated by the Chief of Police, rank insignia will be affixed to the uniform in the following manner: Sergeant Chevrons will be machine stitched on both sleeves of every issued garment. The chevrons will be centered on the sleeve, bisecting the crease, and immediately below the department shoulder patch. For Reserve and Acting Sergeants, metal collar chevrons will be used in place of sewn shoulder chevrons. The metal chevrons will be worn on both collars, be centered, and have equal distance on each side. For all command staff ranks, appropriate metal (or soft cloth) insignia will be worn on both collars for each issued garment - except for the white dress shirt. Command staff insignia will be parallel with the front edge of the collar and be of equal distance between both edges. When epaulet rank is called for (dress jacket, Honor Guard, etc.), the insignia will be rotated 90 degrees - so that the short edges are aligned with the front edge of the epaulet and centered between the top and bottom edges. The epaulet insignia will be placed within one inch of the shoulder seam.

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1046.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department: from the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county: from the time of death until midnight on the day of the funeral.

(c) Funeral attendee: while attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th): from 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Tigard Police Department or the morale of the employees.

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1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Tigard Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Tigard Police Department to do any of the following:

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department-Owned and Personal Property Policy).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Tigard Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Tigard Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Police Cadets

1048.1 PURPOSE AND SCOPE

The Law Enforcement Cadet Program sponsored by the Tigard Police Department will be known as the Tigard Cadet Program.

The purpose of the Tigard Police Cadet Program is to provide hands-on training, education and involvement of young men and women, ages 16 through 20 years, in the administration of justice and related fields. Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

The Tigard Police Department Cadet Program will provide the following:

- Enhance the overall education goals of the cadet participants.
- Involve youth in performing voluntary, rewarding and productive services to the community and the Police Department.
- Encourage preparation for future roles as good citizens and community members.
- Educate young men and women in the role that the Tigard Police Department plays in providing services to the City and community.

1048.2 ELIGIBILITY

Membership in the Tigard Police Cadet Program is open to all interested young men and women who meet the following requirements:

- Age between 16 and not yet reached their 21st birthday.
- If a student, maintain a minimum grade point average of 2.0 for each course taken, and a minimum of 2.5 GPA or greater overall.
- Have parental approval if a minor.
- Be free of any serious physical or mental handicap or impairment that would prevent active participation as a law enforcement cadet.
- If in possession of a driver's license, maintain a good driving record.
- Be willing to be active and participate in Cadet activities (including, but not limited to training, public service, department services and social activities).
- Cadets agree to follow all relevant rules and regulations of the Tigard Police Department and Cadet Program.

1048.2.1 MEMBERSHIP/PARTICIPATION

Appointment to the Tigard Police Cadet Program will be contingent upon successful completion of the selection process. This procedure is similar to the selection process for a regular police officer.

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Prospective members will be required to submit a Tigard Police employment application form. Prospective members will appear before an oral interview board. The board will consist of at least two (2) members of the Police Department. One member of the board will be an Cadet Liaison, associate advisor and or committee member. One police cadet member may also be assigned as a member of the oral board.

Prospective members will be required to pass a thorough background investigation. The purpose of such an investigation is to ensure the good moral character of the applicant. Candidates having a history of criminal violations or other serious anti-social behavior will be eliminated.

Prospective members will be required to submit to fingerprinting and photographing. This must be approved by parents if under 18 years of age.

Final candidates will be interviewed by the Chief of Police, or his/her designee.

1048.2.2 LEAVE OF ABSENCE

A member may be granted a leave of absence for academic or other approved reasons based on the following:

- The member must be off probationary status. However, a leave of absence may be granted during the probationary period if special circumstances exist and approval is made by the advisory committee.
- The member must be in good standing with the Cadet Program and have received an average evaluation from the advisory committee.
- The request for leave of absence must be in writing through the chain of command and must be approved by the Chief of Police. The request should detail the reason for the leave of absence and the length of time requested.

If the leave is granted, the member shall hold their rank up to 3 months. If not returning after 3 months, they must relinquish any rank attained within the Cadet Program.

1048.2.3 DENIAL OF MEMBERSHIP/TERMINATION

As a non-compensated volunteer the agreement of continued participation and/or service can be severed at any time by the department or the member.

Any prospective member who intentionally conceals, falsifies or makes any statement which is untrue in the application(s), or during the oral interview may be subject to termination or denial of acceptance as a member, as decided by the Chief of Police, his/her designee, or the Cadet Advisory Committee.

All members will be required to maintain eligibility requirements and provide current school transcripts at the end of each quarter if he/she is enrolled in a secondary school. If the requirements are not met then the advisory committee will take action on an individual basis.

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Upon termination of a member for any reason, the member will return all department property and all property of the Tigard Police Cadet Program. Such property includes, but is not limited to patches, badges, and identification cards or documents of the department or program.

1048.2.4 CADET POSITIONS

CADET LIEUTENANT

A member shall be appointed as Cadet Lieutenant by the Chief of Police, with the recommendation of the Cadet Advisory Board. The Cadet Lieutenant must be a Cadet Sergeant, have over 1100 hours of training/patrol, at least 2 1/2 years as a cadet and have the recommendations of the Cadet Advisory Board. Any deviation from these requirements must be approved by the Cadet Advisory Board and the Chief of Police. The Cadet Lieutenant will make sure all cadets carry out assignments and program requirements. The Cadet Lieutenant will be responsible for the conduct and activities of the members, delegate tasks and authority to other unit leadership positions as required. Duties will include but are not limited to inspections, reports on activities, preside over meetings, conduct leadership meetings and other duties as assigned. The Cadet Lieutenant is responsible for the operations of the unit with the advice of the Cadet Advisory Board.

CADET SERGEANT

Members may be appointed to the position of Cadet Sergeant by the Chief of Police with the recommendations of the Cadet Advisory Board. The Cadet Sergeant must be a senior cadet and will act in the capacity of Cadet Lieutenant in their absence. The Cadet Sergeant must have 800 hours of training/patrol, must be a senior cadet and have at least 2 years with the department; they must demonstrate leadership qualities and be in charge of details. Any deviation from these requirements must be approved by the Cadet Advisory Board and the Chief of Police. The Cadet Sergeant will be responsible for the monthly hours of the members, assist with the training of members, assist with the training schedule, orientation of new members and other duties as assigned.

SENIOR CADET

Once a member receives 500 hours of training/patrol time and meets the minimum training requirements, the member will be evaluated for the position of Senior Cadet. Any deviation from these requirements must be approved by the Cadet Advisory Board and the Chief of Police. The member must have completed their twelve month probationary period. In general, Senior Cadets will be assigned to positions requiring more technical skills and responsibility as well as serving to train cadets for new assignments or those newly assigned. The Senior Cadet will be responsible for scheduling of ride-a-longs or assignments for details and other duties as assigned. If a Cadet Sergeant or Lieutenant is absent, they will act as the lead person for the detail. Senior Cadets work directly with the Cadet Advisory Board, Cadet Sergeant and Cadet Lieutenant.

1048.2.5 RULES AND REGULATIONS

All members shall:

(a) Abide by the rules and regulations of the Tigard Police Department and the Cadet Program.

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(b) Abide by all laws, ordinances, rules, regulations or orders, verbal or written.

(c) Members shall be responsible to update and maintain rules and regulations, and be knowledgeable of such changes.

Violation of these rules or regulations could result in termination. Dismissal or demotion may occur at the direction of the Chief of Police or his/her designee.

1048.2.6 PROBATIONARY PERIOD

Members must satisfactorily complete a twelve (12) month probationary period (three months orientation probation, and nine months formal probation). Senior Cadet status will not be obtained until the twelve (12) month probationary period is completed, unless approved by the Program Manager.

Members will be evaluated, quarterly for probationary cadets and yearly for regular members. Evaluations will be completed by the Cadet Advisory Committee.

If an explorer fails to meet the required 2.50 grade point average, the Cadet Advisory Committee will evaluate the problem and take corrective action to resolve the problem.

1048.2.7 DISCIPLINARY ACTION

Cadet Lieutenant/Sergeants may make recommendations for corrective action to the Advisory Committee.

The Cadet Advisory Committee may take corrective action based on just cause. The liaisons may act on the basis of a complaint through any member of the program, the Cadet Lieutenant or Sergeants, the liaisons own observations, any department member observations, and/or any person. Actions can be taken in the field, but will come under Advisory Committee review. Information from complaints will be documented by the program Lieutenant/Sergeant and kept in the cadet's file.

All corrective actions can be appealed to the Cadet Advisory Committee, the Chief of Police, or his/her designee. Corrective action can consist of:

(a) Verbal counseling

(b) Written counseling

(c) Written reprimand

(d) Partial suspension and/or probation

(e) Suspension

(f) Termination

1048.2.8 DUES AND FEES

Depending upon the availability of budgeted funds, some personal expenses will be paid by the Department. Otherwise, personal expenses will be paid for by individual members. Such expenses include (but are not limited to) uniform costs and other incidentals such as meals, etc.

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1048.2.9 ACCESS TO POLICE BUILDING

Cadets must wear their polo shirt or uniform while in the police building. They must check in at the police records counter, sign in and will be given access to the building.

Cadets will be issued City of Tigard identification. Once issued, cadets shall visibly wear their identification at all times while in any City building.

No cadet should be in the police building after 10 pm unless approved by a liaison or shift supervisor.

The Police Department will only be used for approved functions and will not be used as a meeting place or for social gatherings.

Cadets will not bring unauthorized persons into the building at any time unless an advisor or police officer is present and has approved the person to enter. This includes but is not limited to friends and/or family.

1048.3 PROGRAM COORDINATOR

The Youth Programs Coordinator will serve as the Program Coordinator. The Program Coordinator is responsible for the overall operation of the Cadet Program and all major decisions regarding the Cadet Program.

1048.3.1 PROGRAM LIAISONS

The program liaisons may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program liaison for advice or direction before contacting the Program Coordinator. One liaison may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program liaison. Program liaisons are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1048.3.2 SERGEANT

A department Sergeant will be responsible for the tracking of educational and job performance of cadets as well as making their individual assignments throughout the department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, school attendance and performance evaluations. The Sergeant will oversee the daily operations of the Cadet Program.

1048.3.3 CHAIN OF COMMAND

Chief of Police

Youth Programs Manager

Sergeant

Cadet Liaison

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Cadet Lieutenant

Cadet Sergeant

1048.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

Members shall attend and complete the required Basic Cadet Academy, and other training as required. The training will be completed during the first year of membership, based on availability of training. Training may be in-house, sponsored by the Tigard Police Department or through an outside academy sponsored by another police agency. Prior approval from the Program Coordinator is needed before attending training sponsored by another agency.

1048.5 UNIFORMS

All uniforms and equipment will be kept neat and clean. Shoes and belt will be shined. Name badges, Tigard Police patches, Cadet patches, identification cards and uniform patch badges will be issued by the Police Department and remain the property of Tigard Police Department. Lost or stolen items will be reported as soon as possible, and the member Police Department and while attending cadet functions or as otherwise authorized by the advisors. Uniforms will be maintained and stored in lockers at the Police Department, if lockers are available.

The cadet will not purchase a uniform or any equipment until after a three month orientation period, unless authorized by the Program Coordinator. These purchases can be made after the cadet has completed the three month orientation and has decided to stay with the program and has completed all phases of the selection process.

The Tigard Police Cadet Programwill not be liable for the purchase of uniforms. These purchases will be the responsibility of the individual person.

1048.5.1 INDIVIDUAL MEMBER RESPONSIBILITY

Hat - The uniform hat will be blue in color and short billed. The hat may be worn when working outdoors but is not required.

Shirt - One (1) long sleeved uniform shirt, one (1) short sleeved shirt and one (1) polo shirt. Uniform and polo shirts will be a blue police shirt.

Pants - The uniform pants will be dark blue uniform pants.

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Belt - The pant belt will be black basket weave or nylon. An optional "duty" belt, black basket weave with a silver buckle or "Velcro" style, or nylon, or 1 3/4 inch to 2 inch wide may be worn during patrol duty or as assigned. The only approved optional equipment affixed to the belt will be:

- Flashlight/Baton ring
- Four (4) black belt keepers
- Key ring
- Radio holder
- Handcuffs and full cover case
- Mini-mag flashlight and holder

Shoes - Shoes are to be plain, smooth toe, black in color. A low heel uniform boot or black leather tennis shoes may be worn as authorized by the cadet liaisons.

T-Shirt - Black crew neck style. Turtleneck style undershirts will on be worn with a long sleeved uniform shirt.

Socks - Black socks

Vests - Ballistic vests may be worn by the cadet if purchased by the member. The vest must meet the Tigard Police Department standards for level of protection. Some vests may be available from the Department on a loan basis. Uniforms will be maintained in accordance with Department policy.

1048.5.2 DEPARTMENT ISSUED ITEMS

The Tigard Police patch will be worn on both sleeves. The cadet patch will be worn under the police patch 1/4 inch down on both sleeves.

Identification Card

Members in good standing will be issued a Department identification card. The Department issued identification card will be returned to the Department if the member resigns or is terminated. The identification card is to be used only when needing to identify a member as a police cadet. The ID card must be worn on ones person when entering the police building and at all times during cadet functions. Using the ID card for any other purpose is grounds for immediate dismissal from the program.

Badge of Office

The Department issued badge will be the only authorized badge and it remains the property of the Police Department. Cadets will be responsible for its condition and use. A lost or stolen badge will be reported at once. Cadets are responsible to replace at their own expense if lost or stolen. Badges generally are worn on the outermost garment (patch badge only).

- Patch badges will only be issued if the member has satisfactorily completed the three (3) month orientation period.

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- Patch badges will be sewn on the cadet uniform.
- Abuse or misuse of the cadet badge may result in termination from the Cadet Program.

Name Badges

The name badge will be purchased by the Department and will be worn on the sight side sewn above the pocket.

Rank Devices

Rank devices are issued and worn as authorized.

- The cadet rank insignia will be a one inch stripe with gold wording "Cadet" issued at the Department expense, remaining the property of the Department and worn on each sleeve of the uniform.
- The rank insignia for senior cadets will be a one inch stripe with gold letters and the wording "Senior" issued at the Department expense, remaining the property of the Police Department and will be worn in place of the regular cadet insignia.
- Other insignias or awards which meet with the approval of the cadet liaisons and the Chief of Police may be worn on the uniform.

1048.5.3 UNIFORM CLEANING

Cleaning and maintenance of the uniforms will be the responsibility of the individual member:

- The member's uniforms will be of a wash and wear style that conforms to departmental standards.
- Exception: The cleaning of uniforms soiled or damaged during special assignments will be provided at the department-approved cleaners.

1048.6 VEHICLE OPERATIONS

Operation of City of Tigard Police Department Vehicles

Cadets will not operate a police vehicle without prior approval of the Chief of Police or Division Commander, and then supervised by an cadet liaison. Members will not operate a city vehicle when on a ride-along, except when specifically directed by the host officer.

Cadets will **not**, under any circumstances, pull over or attempt to pull over any other vehicle. They will **not** use their overhead lights unless in an emergency and at the direction of the host officer. Cadets will **not** interfere with officer's duties unless help is requested.

Cadet Vehicles

The primary duties of cadets assigned to an cadet vehicle are to:

- Assist the Tigard Police Department at parades, Balloon Festival and other planned events as assigned.

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- Assist the Tigard Police Department officers (or officers from approved agencies) in traffic control at major traffic accidents, detours or road closures, or planned events as assigned and/or approved.
- Assist officers during disasters, emergencies or fires, as assigned and approved by the on-duty supervisor to control traffic.
- Assist officers at a crime scene as assigned.
- Transport other cadets to and /or from assigned cadet functions.
- Perform details as requested during work assignments.

Upon arrival at the Tigard Police Department or other assigned assembly point, the cadet(s) will:

- Report to the officer in charge for assignment and/or briefing.
- Inspect the assigned vehicle to ensure it is properly equipped and safe to operate, and ensure it is properly equipped with department approved equipment.

All cadets operating city vehicles, unless otherwise directed, will be in full cadet uniform.

Cadets may be granted the privilege to operate a city vehicle by an officer, or shift supervisor, with proper documentation forwarded through the chain of command to the Chief of Police or his/her designee.

Radio call numbers are assigned by departmental personnel.

It will be the responsibility of the cadets to ensure the vehicle is refueled and maintained after each use.

It will be the responsibility of the cadets to report defective equipment and vehicles on a department "defective equipment report" form.

1048.7 RIDE-ALONG PROCEDURES

Before members ride with a patrol officer they must first have completed all duties and assignments to which they are currently assigned. Members shall not ride more than ten (10) hours in a shift. Exceptions will only be allowed when the cadet is unable to clear as a result of a late call or with prior approval of a cadet liaison or shift supervisor. Uniforms and ballistic vests will be worn on all ridge-a-longs.

Members must next secure permission from the shift supervisor and officer they wish to ride with by scheduling the ride at least twenty four (24) hours in advance.

Members will be considered for ride-a-longs on a first come, first served basis. Officers have the right to refuse any member to ride and may terminate an exiting ride-a-long at their discretion.

Members should have a general knowledge of the geography of the City of Tigard, the surrounding areas and have general knowledge of radio procedures and radio terminology.

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Members will report to the briefing room with the officers for assignment and briefing at the start of the shift.

There will be no ride-a-longs on graveyard shift the night before a fundraiser or an activity. There will be no ride-a-longs on the day of a fundraiser or an activity until the liaison determines the assignment has been completed for that day.

Cadet Liaison by scheduling the ride-along at least twenty four (24) hours in advance. The Explorer Liaison will notify the officer they wish to ride with and email the shift supervisor when the ride-along is scheduled. Members will be considered for the ride-alongs on a first come, first served basis. The shift supervisor and officers have the right to refuse any member to ride and may terminate an existing ride-along at their discretion.

Members will be under the direct supervision of the host officer. Cadets will not participate in any enforcement unless directed by a sworn officer.

Members should have a general knowledge of the geography of the City of Tigard and surrounding areas, and have a general knowledge of radio procedures and radio terminology.

Members will report to the briefing room with the officers for assignment and briefing at the start of the shift is possible.

1048.8 APPEARANCE AND CONDUCT

On duty members will be in proper uniform and will conform to the Department's grooming standards. Please see Policy 1045 for general guidelines.

Courtesy

Members will treat all citizens, members of the Police Department and other cadet members with courtesy and respect. Members will be diplomatic in the performance of their duties and assigned work tasks. Members, even in the face of great provocation, will refrain from using profane, curse, offensive or insolent language or gestures. In or out of duty, members will conduct themselves in such a manner that no discredit will reflect on the program, Police Department or the City of Tigard. Members will give their name, identification number/rank/position/title in a respectful manner to any citizen who requests the information. Failure to do so will result in immediate suspension/ termination from the Program.

Confidential Information/Records

The official business of the Police Department and the Program is to remain confidential. Members will not give information to another person which will enable that person to avoid arrest, escape or dispose of unlawfully obtained goods.

Officer files will not be discussed, removed or copied. Members shall only discuss or give confidential information as directed by the Chief of Police or his/her designee, and cadet liaison or as required by law.

Obey the Law

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Members of this program will obey all applicable laws, statutes or ordinances. Any member who is a subject of enforcement action including traffic related incidents must notify the Chief of Police through the chain of command immediately.

Conduct

As a volunteer for the Tigard Police Department, all personnel are stewards of the Program, responsible for ensuring an appropriate, professional environment is maintained. As such, employees or volunteers shall never engage in an unsuitable or inappropriate relationship that would compromise the integrity, professionalism or reputation of the City of Tigard, Tigard Police Department, or Tigard Police Cadet Program.

Any employee or volunteer, having knowledge of improper or unethical advances or relationships between members of the Program and police employees, will bring this information to the attention of the appropriate advisor or supervisors. Failure to do so could result in discipline up to termination.

No socialization with City of Tigard employees will be permitted outside the Department without prior approval from the Program Coordinator.

Intoxicating Liquor/Drugs

Members will not drink, take or be in possession of intoxicating liquor or narcotics except as authorized by law. Members with the odor of an alcoholic beverage upon their breath are subject to termination and/or criminal prosecution. Members shall not possess, or use controlled substances. Members under the care of a physician and taking prescription medication that results in intoxication or in the symptoms of intoxication will notify a cadet liaison prior to participation in any police department activity.

Smoking

Although smoking is not recommended it is permitted by cadet members under the same guidelines as Police Department Policy 1018. The member must be at least 18 years of age to smoke or use tobacco products which is in conjunction with the state law. Members, who are permitted to smoke by law, are not permitted to smoke in the presence of anyone in the cadet program who is under 18 years of age or in public view. Smoking and other use of tobacco products is not permitted inside Department facilities or any Department vehicle.

The City's Personnel Policy states that "the City seeks to promote a safe, healthy, and pleasant work environment for all employees and the public." All City facilities, including city-owned buildings, vehicles, individual offices, and offices or other facilities rented or leased by the City will be smoke free. Signs will be posted in designated locations outside of the buildings where employees may step outside to smoke. Visitors to any of the City's facilities will be requested to comply with the City's efforts to maintain a smoke free environment.

Forbidden Articles

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Members will not use, possess or carry a firearm, sap, judo sticks, knife, nightstick, TASER or any other article or items unless directed to do so by the Program Coordinator or cadet liaisons, in conjunction with a program function.

Handcuffs

Handcuffs will be used for training and cadet activity purposes.

Firearms Training

For the purposes of training only members will be authorized to possess and use Department approved holsters, cartridge cases and firearms while under the direct, strict supervision of the Department firearms instructor or designee. Except for training, cadets shall not carry a firearm during any on duty status.

Members are encouraged to participate in shooting competitions. LEEPA marksmanship committee rules and regulations will be observed in addition to the Department rules and policies.

Other Organization/Memberships

Members will not be a member of, or associate with, any organization which has as its purpose (or one of its purposes) the violent overthrow of any government.

Association With Criminals

Members will not knowingly associate or have any dealings with known criminals or persons engaged in unlawful activities, unless unavoidable because of their relationship to the member, in which case the cadet liaison will be notified.

Duty to Obey Orders

Members will promptly obey the legitimate order(s) of supervisors and members assigned to act in a supervisory capacity. This will include orders from regular patrol officers, advisors, administrators, and ranking cadets.

Authority

Members are not police officers and therefore have no more authority than any citizen. Members will not serve arrest or search warrants. Members will not actively seek out minor violations of the law. Such zeal reflects negatively on the member, the Department, and the Cadet Program.

Reports

Members may be required to make reports, both verbal as well as written, and therefore, shall be familiar with the Tigard Police Department report writing policies and procedures.

Familiarization with Procedures

Members are expected to become familiar with the Tigard Police Department policy manual. Members are administered by and are to abide by the same rules of conduct contained in the policy manual, in addition to the general rules contained herein.

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1048.10 DUTIES AND ASSIGNMENTS WITHIN THE DEPARTMENT

(a) Members will be required to complete the following **minimum** duties within the Department:

1. Attend one (1) program meeting per month. Attendance at training is based on the availability of the training.
2. After their orientation period, complete a minimum of sixteen (16) hours per month to include one (1) ride-a-long per month (no longer than 10 hours) in a twenty four (24) hour period. A maximum of twelve (12) hours in a twenty four (24) hour period is permissible only when the cadet is unable to clear as a result of the late call. Once the cadet is able to clear the call, they must return to the office and check out for the day.
3. Cadets under the age of 18 will comply with the City's curfew ordinance.
4. Participate in the program fund raising activities.

(b) Members will also be asked to participate in various other functions of the Cadet Program (traffic control, department tours, crime prevention activities, Balloon Festival, etc). Participation in these activities will be on a voluntary basis, however it is suggested that you participate in at least 50% of these activities. Members attending school may be excused from any or all of the above requirements/activities by the Advisory Committee.

(c) Should a member fail to meet the above listed requirements, they may be subject to disciplinary action by the program under the following guidelines:

1. The member will be placed on an one (1) month probationary period. At the conclusion of that time, if the member fails to meet the requirements, the member may be terminated.
2. If the member wishes an extension of the one month probationary period, the member must submit a written explanation of the reasons for the failure to meet the requirements. The explanation must be submitted to the Advisory Committee. The cadet liaison will make a determination if good cause exists for the failure to meet the requirements. Probationary periods may be extended by the Advisory Committee.
3. A member may be excused from a required function if a program officer or advisor is notified in writing at least one (1) day in advance when practical. Acceptable excuses may be (but are not limited to) a work conflict, illness, a school conflict, or a family conflict.
4. Any member missing two (2) consecutive regular or special meetings may be subject to disciplinary action by the Advisory Committee unless otherwise excused by the Program Coordinator.
5. Any member missing six (6) consecutive program activities will be considered inactive and will be subject to disciplinary action unless good reason exists for their absence. The member must come before the Advisory Committee and provide reasons for missing the meetings.

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A cadet monthly activity report will be filled out at the completion of each month. The monthly report will be turned in to the Program Lieutenant or the cadet liaison at the first meeting of the following month. Monthlies will be accurately and legibly written in black ink. The monthlies will be turned into the cadet program mail box for the Lieutenant or liaison approval. Monthlies not turned in by the first meeting of the month, may result in possible sanctions.

Members will show their name, starting and completion days on the front of each notebook. Notebooks shall be retained for at least a five (5) year period.

Members shall log all post activities in their notebooks including work assignments, ride-a-longs, activities and any other program functions. The Cadet Lieutenant and/or Sergeant may check any cadet's notebook for the purpose of monitoring the number of ride-a-longs and the activities that a cadet has participated in. The notebooks will be checked at random and are not to be used to single out any member of the program.

Approved cadet program monthly activity reports will be maintained in the cadet members file.

The Cadet Program Liaison and Lieutenant will maintain a file on each member of the program. Access to the files will be limited to the Program Advisor, Lieutenant, the Chief of Police or his/her designee, the individual program member and others as required by law. The file will include but is not limited to:

(a) The member's application and related information.

(b) The member's monthly reports.

(c) Report cards, commendations and /or disciplinary actions.

The member's file will be reviewed with the member on a yearly basis by the Lieutenant.

1048.10.1 DISBURSEMENT OF PROGRAM FUNDS

The Cadet Program shall maintain an account in the name of the Tigard Police Cadets. Only authorized personnel will have access. The Treasurer and at least two advisor's will be signers on the account and the account will require two signatures on each check.

The cadet Treasurer advisor's are limited to spending up to twenty five dollars ($25.00) and must be with the approval of the entire program based on a vote and majority approval.

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Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, purchasing and contracting, discipline and workplace safety and security.

1050.1.2 EMPLOYMENT OF RELATIVES

It is the policy of the City of Tigard that two relatives may not be employed, or considered for employment whenever one person might have supervisory or management responsibilities affecting the other in such matters as wage and salary administration, employee evaluation, transfer, promotion, assignment of work, discipline, adjustment of grievances, or any other recommendations of personnel action, or whenever such employment is deemed by the City Manager to be a conflict of interest.

For the purpose of this policy, relatives are defined as being an individual's spouse, mother, father, son, daughter, mother-in-law, father-in-law, grandfather, grandmother, step-son, step-daughter, step-parent, sister, brother, sister-in-law, brother-in-law, uncle, aunt, niece, nephew, grandchild, or any other relative.

If any of these conditions exist the City will ask that one of the employees transfer to another position provided openings exist for which he/she is qualified, or resign, within 120 calendar days of the change in status. If the individuals involved do not agree as to who will resign, the City Manager shall decide based on merit and the needs of the City.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative, who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.179).

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee

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to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.177).

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, individual who resides with the member or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations, through the chain of command.

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Employee Involved Domestic Violence

1052.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

1052.1.1 POLICY

The Tigard Police Department has a zero tolerance policy for domestic violence whether committed by a citizen or an employee. Where incidents of domestic violence occur, the Department will act quickly to protect the victim, arrest the perpetrator and conduct appropriate criminal and/or administrative investigations.

1052.1.2 DEFINITIONS

Domestic Violence, Abuse and Family Members - are as defined in the Domestic Violence Policy in this manual.

Employee - means any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

Law Enforcement Agency - means any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

Restraining Order - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

1052.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC §921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.270).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 107.718).

1052.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

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1052.3 INCIDENT RESPONSE

All department personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as “on-the-record” information. The information shall be forwarded to the Watch Commander and respective employee’s supervisor for appropriate investigative action.

Upon arrival at the scene of a domestic violence incident involving any department employee as the suspect or victim, the handling officer shall immediately notify WCCCA and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

1052.3.1 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an Tigard Police Department employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved individual’s agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed (see the Domestic Violence Policy).

(a) The supervisor will ensure that a thorough investigation is conducted and all appropriate reports are forwarded to the District Attorney’s Office.

(b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Tigard Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

1052.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a sworn employee of the Tigard Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).

(b) The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.

(c) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.

(d) The transporting officer shall ensure that corrections personnel are notified of the person’s employee status to ensure the safety of the employee while he/she is in custody.

(e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

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1052.3.3 FIREARMS RESTRICTIONS

Any officer who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the officer from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order. Officers will immediately ensure that all firearms are removed from their residences, department lockers and all other locations where they would have actual or constructive possession of such items.

Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

1052.4 EMPLOYEE RESPONSIBILITY

(a) Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.

(b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.

(c) If an employee becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.

(d) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.

(e) No employee shall solicit or be afforded any privileges or special considerations.

(f) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.

(g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.

(h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.

1052.5 DEPARTMENT RESPONSIBILITIES

(a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:

1. Stalking and inappropriate surveillance activities.
2. Unusually high incidences of physical altercations, injuries, or verbal disputes.
3. Alcohol and/or drug abuse.

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4. Increase in controlling behaviors.
5. Citizen or fellow employee complaints of aggression.
6. Inappropriate aggression toward animals.

(b) The Department, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to department members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.

(c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the department chaplain, will be made available to employees.

(d) Employees who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality within the department. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.

(e) The Department will make annual checks of every member's criminal history records, including but not limited to CCH, to determine if there are any entries for domestic violence arrests, convictions or restraining orders. Any such records found will be forwarded to the Chief of Police.

(f) Any Department employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

1052.6 TRAINING

The Department will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.

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Department Badges

1054.1 PURPOSE AND SCOPE

The Tigard Police Department badge and uniform patch as well as the likeness of these items and the name of the Tigard Police Department are property of the department and their use shall be restricted as set forth in this policy.

1054.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1054.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Tigard Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

(e) If an officer leaves employment with the department as a result of a disciplinary action the flat badge will be returned and the officer will be reimbursed at the original cost of the flat badge.

1054.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Records, Youth Service Manager, PIO and CSO).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1054.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1054.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Tigard Police Department. The following modifications shall be included

  1. The text on the upper and lower ribbons is replaced with the name of the employee association.

  2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Attachments

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metal detector scan.JPG

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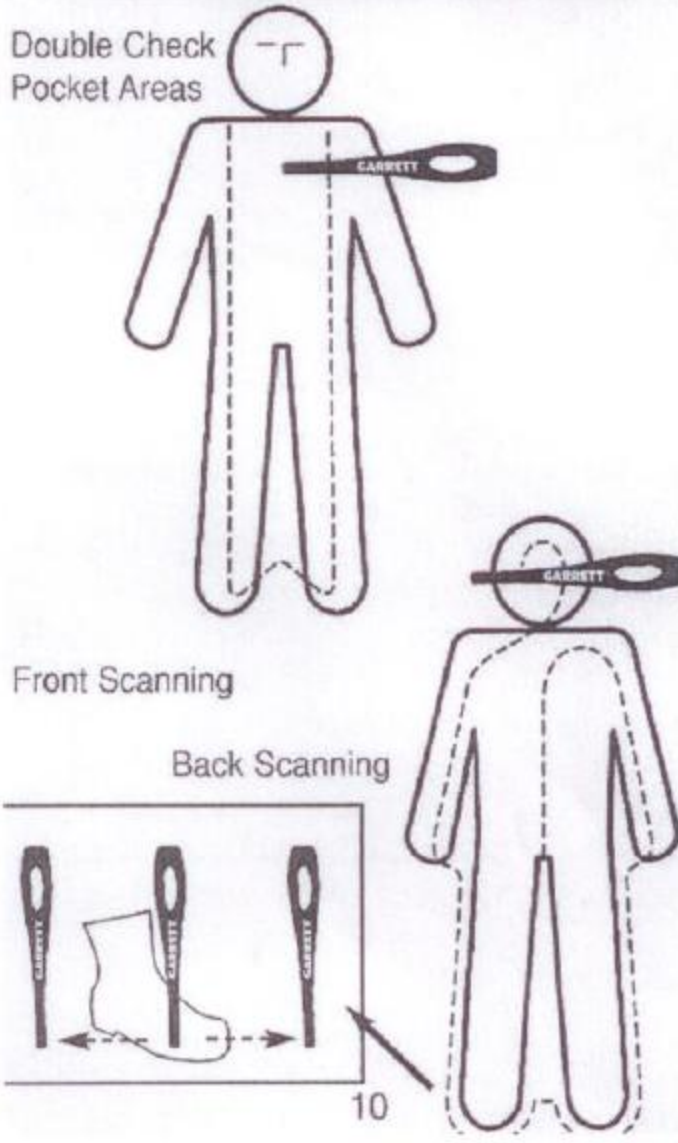
RECOMMENDED BODY SCANNING PROCEDURE



Allegation Review.jpg

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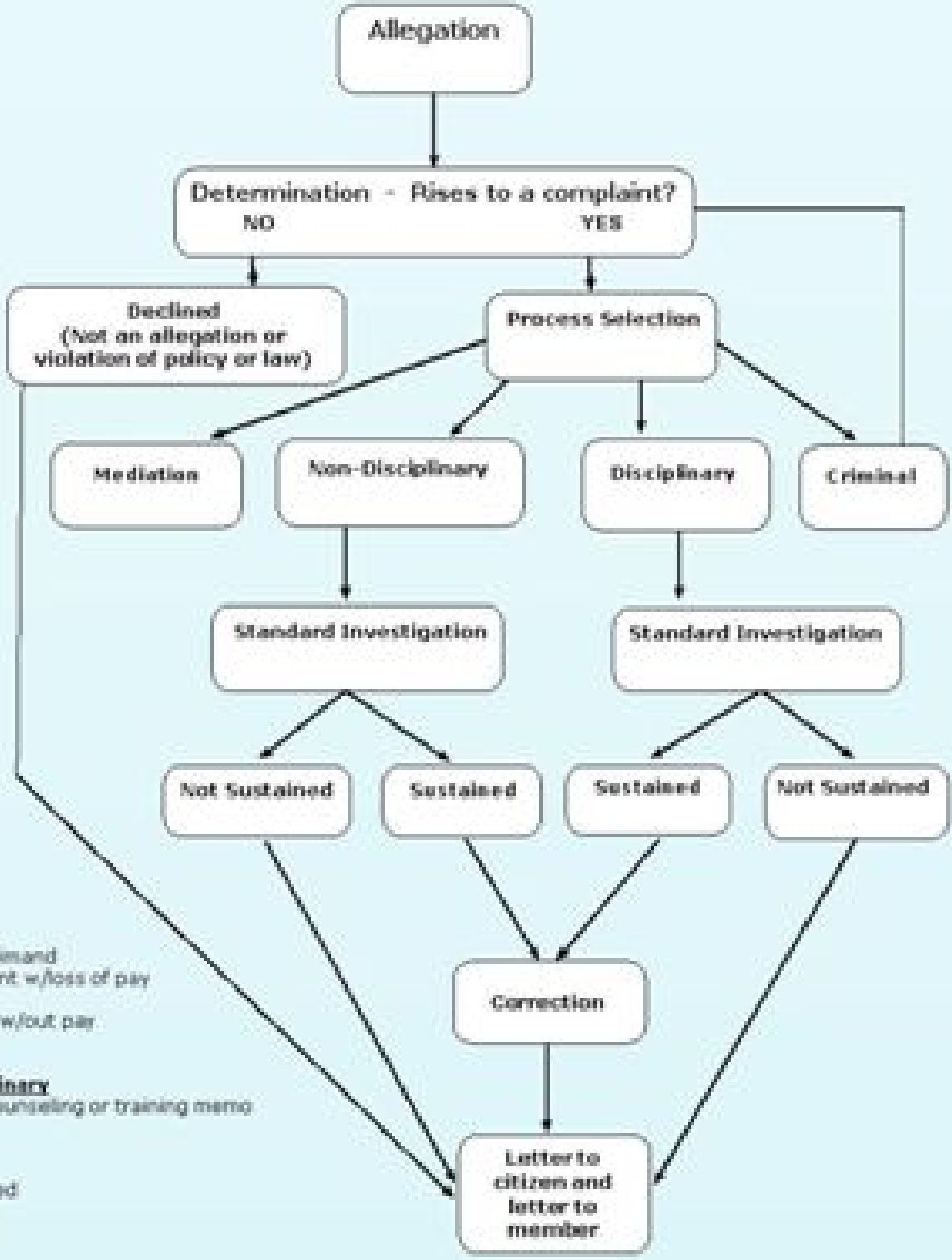
TIGARD POLICE DEPARTMENT
Allegation Review



Discipline:
Written reprimand
Reassignment w/loss of pay
Demotion
Suspension w/out pay
Termination

Non-Disciplinary
Coaching, counseling or training memo

Findings:
Sustained
Not-sustained
Unfounded
Exonerated
Mediated

Travel and Training Flow Chart.jpg

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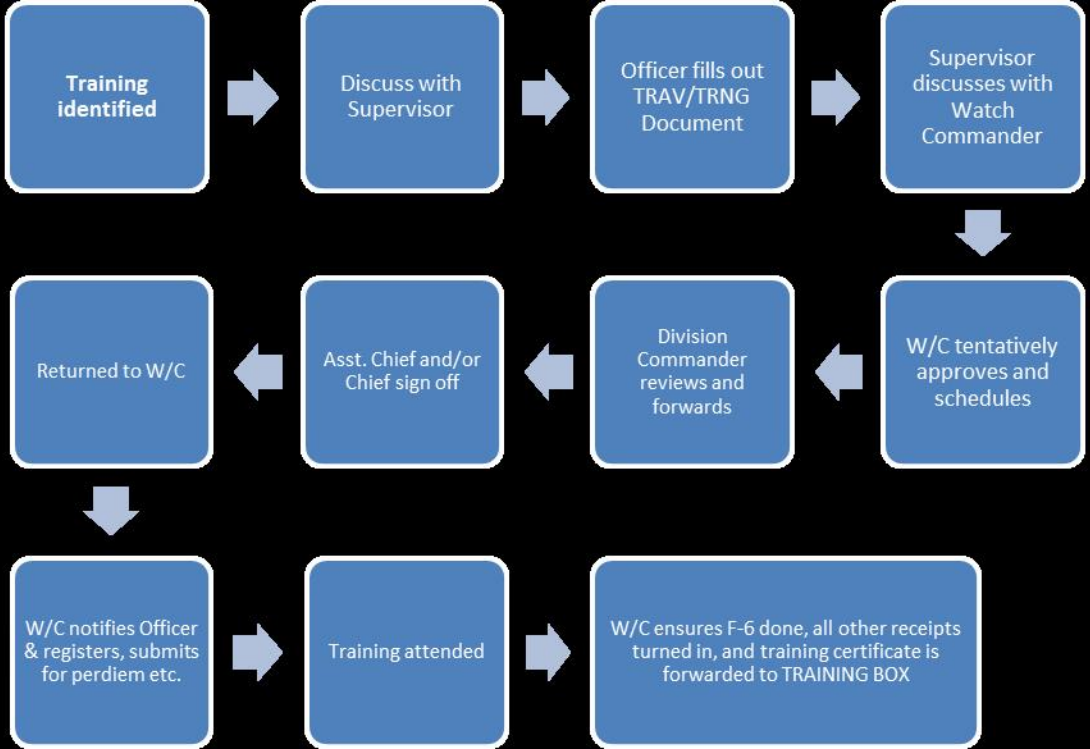
Training identified
Discuss with Supervisor
Officer fills out TRAV/TRNG Document
Supervisor discusses with Watch Commander
W/C tentatively approves and schedules
Division Commander reviews and forwards
Asst. Chief and/or Chief sign off
Returned to W/C
W/C notifies Officer & registers, submits for perdiem etc.
Training attended
W/C ensures F-6 done, all other receipts turned in, and training certificate is forwarded to TRAINING BOX

TPD Uniform Example.JPG

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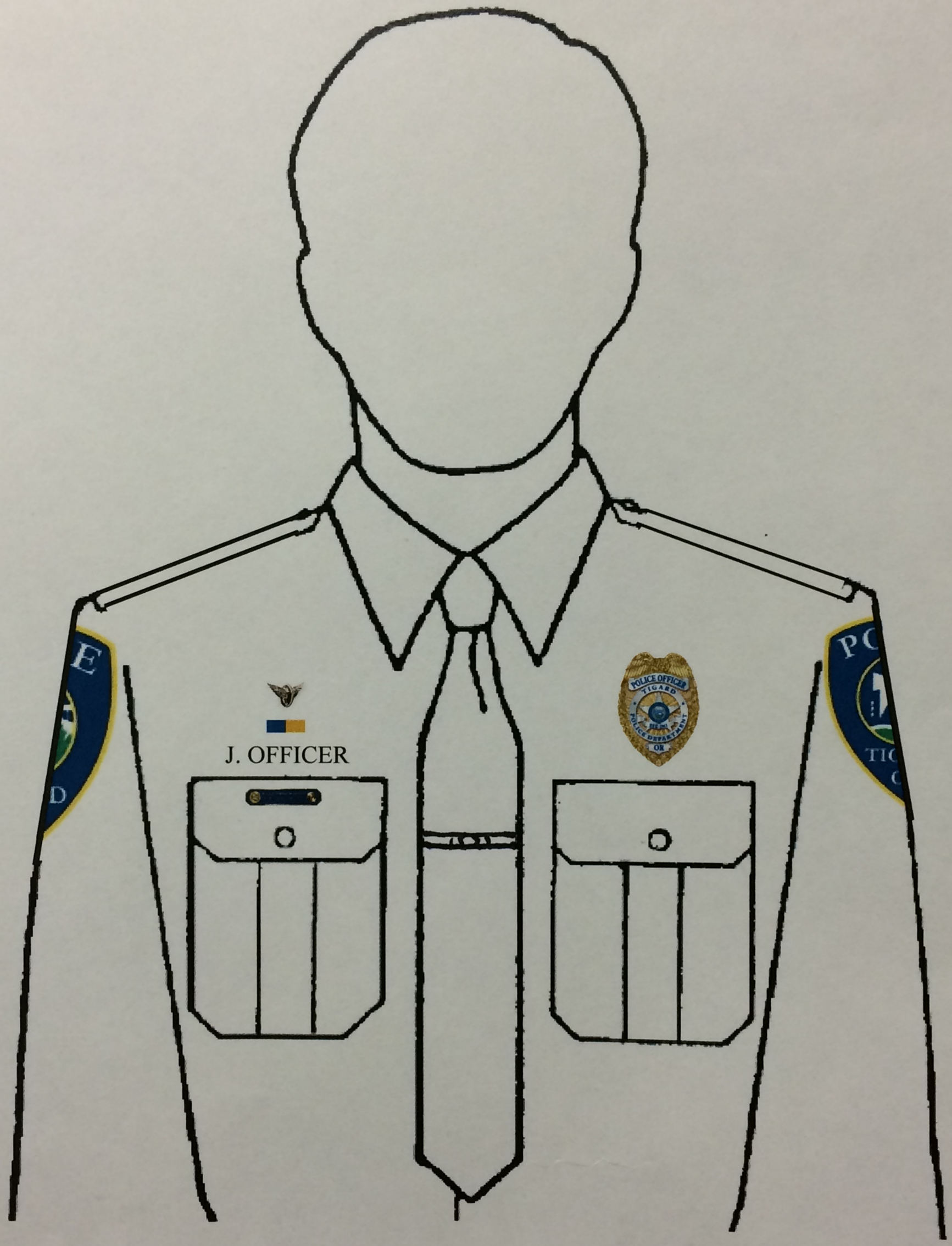
J. OFFICER
POLICE OFFICER
TIGARD
POLICE DEPARTMENT
OR

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