



CITY COUNCIL MEETING PACKET

FOR

Tuesday, April 2, 2024

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

7:00 pm City Council Regular Meeting

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



AGENDA

SHERWOOD CITY COUNCIL April 2, 2024

7:00 pm City Council Regular Session

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

**This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>**

7:00 PM REGULAR SESSION

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. CONSENT AGENDA**
 - A. Approval of March 19, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. Resolution 2024-020, Appointment of City Council Liaison Assignments**
(Craig Sheldon, City Manager Pro Tem)
 - C. Resolution 2024-021, Approving Sherwood Police Department Policy Updates - April 2024**
(Ty Hanlon, Police Chief)
 - D. Resolution 2024-022, Authorizing the City Manager to Enter into an Intergovernmental Agreement with Washington County and the cities of Tigard and Tualatin relating to funding for a Homeless Services System City Liaison and Homeless Services Capital Projects**
(Craig Sheldon, City Manager Pro Tem)
- 6. CITIZEN COMMENTS**
- 7. PRESENTATIONS**
 - A. Proclamation, Proclaiming the month of April as Child Abuse Prevention Month, Sexual Assault Prevention Month and April 22-26, 2024, as Crime Victims' Rights Week**
(Tim Rosener, Mayor)
 - B. Proclamation, Proclaiming April 7-13, 2024, as National Library Week**
(Tim Rosener, Mayor)
- 8. CITY MANAGER REPORT**
- 9. COUNCIL ANNOUNCEMENTS**
- 10. ADJOURN**

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time. Assisted Listening Devices available on site.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
March 19, 2024

WORK SESSION

1. **CALL TO ORDER:** Council President Young called the meeting to order at 6:30 pm.
2. **COUNCIL PRESENT:** Council President Kim Young, Councilors Keith Mays, Doug Scott, and Renee Brouse. Councilor Taylor Giles arrived at 6:40 pm. Mayor Tim Rosener and Councilor Dan Standke were absent.
3. **STAFF PRESENT:** City Attorney Ryan Adams, Assistant City Manager Kristen Switzer, Community Development Director Eric Rutledge, Senior Planner Joy Chang, Finance Director David Bodway, Deputy City Attorney Michelle Teed, Police Chief Ty Hanlon, IT Manager Richard McCord, HR Director Lydia McEvoy, and City Recorder Sylvia Murphy.

4. TOPICS:

A. Food Cart Code Discussion

Community Development Director Eric Rutledge presented the “Food Cart Pod Code Update” PowerPoint presentation (see record, Exhibit A) and provided an overview of the definitions for “Mobile Food Unit (Food Cart)” and “Mobile Food Unit Site (Food Cart Pod).” He reported that under the current code, food carts were permitted as a Conditional Use but were required to be associated with a brick-and-mortar store and must be “customary and integral.” He clarified the Conditional Use Permit required a Site Plan Review, which was a public hearing process. Permitted food cart pod zones would be General Commercial and Retail Commercial, and included Commercial properties within Old Town, provided owners met the site requirements. He outlined that food cart pods could also be located within an underutilized parking lot or on a vacant lot and reiterated that all code standards still needed to be met. He provided an overview of the draft food cart pod code on page 5 of the presentation and explained that it would be a Type III Conditional Use and Type IV Site Plan Review. Mr. Rutledge outlined that other requirements included a minimum of five food carts and an enclosed building or pavilion for seating that was a minimum of 1,000 sqft with permanent indoor restrooms. Councilor Scott suggested using a minimum number of seats per food cart to determine the appropriate size of the permanent building/pavilion and commented that he wanted food cart pods to look upscale. Mr. Rutledge clarified that hard surfaces were required for the site, which included parking and walkways. He reported that food cart pods would require permanent underground connections for water, sewer, and power. He provided an overview of the design standards and stated that existing commercial building design standards applied for permanent structures and new/additional design standards applied for pavilions. He addressed setbacks for food cart pods and reported that the underlying zone applied for permanent structures and new or additional setbacks for individual food carts would also apply. He addressed parking requirements and stated that two vehicle stalls and .5 bicycle stalls were required per food cart. Councilor Giles asked how the number was determined and Mr. Rutledge replied he believed it was based

on other jurisdictions, but reported he would review the figure to ensure that the number was not excessive. Council President Young asked regarding parking requirements and Old Town and Community Development Director Rutledge replied that the Old Town parking exemption would apply. He stated that the Planning Commission would be the final decision maker for food cart pod applications. Councilor Scott stated he was pleased with the draft code, but he wanted to tie the size of the permanent structure to the number of food carts to ensure that the indoor space was large enough. Council President Young asked regarding temporary food carts and stated that enforcement of temporary food cart vendors was complaint driven and discussion occurred. Councilor Scott and Councilor Mays stated they supported bringing forward the food cart pod code for Council consideration. Council discussed the possibility of touring neighboring food cart pod locations.

Record note: Prior to the meeting, Community Development Director Eric Rutledge provided Council with the "Food Cart Pod – Code Amendment Discussion" memo (see record, Exhibit B).

5. ADJOURN:

Council President Young adjourned the work session at 6:55 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Council President Young called the meeting to order at 7:00 pm.
- 2. COUNCIL PRESENT:** Council President Kim Young, Councilors Keith Mays, Doug Scott, Taylor Giles, and Renee Brouse. Mayor Tim Rosener and Councilor Dan Standke were absent.
- 3. STAFF PRESENT:** City Attorney Ryan Adams, Assistant City Manager Kristen Switzer, Community Development Director Eric Rutledge, Senior Planner Joy Chang, Finance Director David Bodway, Deputy City Attorney Michelle Teed, Police Chief Ty Hanlon, IT Manager Richard McCord, City Engineer Jason Waters, HR Director Lydia McEvoy, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR MAYS TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER AND COUNCILOR STANDKE WERE ABSENT).

Council President Young addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of March 5, 2024 City Council Meeting Minutes**
- B. Resolution 2024-014, Appointing Deborah Diers to the Charter Review Committee**
- C. Resolution 2024-015, Authorizing the City Manager to Enter into an Intergovernmental Agreement with Washington County for Transportation Planning in the Sherwood West Urban Growth Boundary Expansion Area**
- D. Resolution 2024-016, authorizing submittal of an Oregon Safe Routes to School Competitive Grant for crossing enhancements on SW Sunset Blvd at SW Timbrel Lane**
- E. Resolution 2024-017, Ratifying the Collective Bargaining Agreement with AFSCME**

F. Resolution 2024-019, Adopting City Council Pillars, Goals, and Deliverables for Fiscal Year 2024-2025

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR SCOTT. MOTION PASSED 5:0; ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR ROSENER AND COUNCILOR STANDKE WERE ABSENT.

Council President Young addressed the next agenda item.

6. CITIZEN COMMENT:

There were no citizen comments and Council President Young addressed the next agenda item.

7. PRESENTATIONS:

A. Proclamation Proclaiming April 1-5, 2024 As National Community Development Week

Council President Young announced that April 1-5, 2024 had been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) program and the HOME Investment Partnership (HOME) Program. She stated that historically, Sherwood had received CDBG grants totaling over \$2.28 million. She reported that most of the Senior Center improvements have been funded through the CDBG program. She stated that other CDBG funded improvements throughout Sherwood included well improvements, Old Town sidewalks; Old Town and Washington Hill water lines; and City Hall ADA access. Council President Young stated that the CDBG program was first authorized by Congress under the Housing and Community Development Act of 1974 to help cities and urban counties with housing and community development projects. She outlined that some of the major objectives of the program included meeting the needs of the low- and moderate-income population; eliminating and preventing the creation of slums and blights; and meeting other urgent housing and community development needs. Council President Young read aloud the proclamation. She stated the CDBG provided annual funding and flexibility to local communities to provide decent, safe and sanitary housing; suitable living environments; and economic opportunities to low-and-moderate-income people. The HOME Program provided funding to local communities to create decent, safe, and affordable housing opportunities for low-income people and over one million units of affordable housing had been completed using HOME funds nationally. Council President Young stated that both the Community Development Block Grant program and the Home Investment Partnership program had made, "tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community." She urged Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program and the HOME Investment Partnerships Program by supporting increased funding for both programs in FY2024. Council President Young reported that these were federal funds that were managed locally by a Washington County policy board and spoke on her time serving on the board.

Council President Young addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2024-018, Authorizing the City Manager Pro Tem to Execute a Construction Contract with the Apparent Low Bid Contractor for the Cedar Creek Greenway Fence & Landscaping Restoration Project

City Engineer Jason Waters reported that the city had only received one bid for the project and explained that the bid was much higher than the engineering estimate. He reported that the engineering estimate was \$375,000 whereas the bid was over \$709,000. He explained that because of the price discrepancy, he recommended that no action be taken on this item, and staff would re-bid the project. He explained that staff would require a pre-bid meeting to attract the right kind of fence contractors as this project was “more of an aesthetic barrier” and not a sound wall. City Engineer Waters reported that staff would increase the engineering estimate by \$100,000, eliminate the pre-qualifications, and make a pre-bid meeting mandatory. He stated he hoped the new RFP would result in 3-5 responses. He stated that a resolution would be presented at the April 16th City Council meeting.

Council President Young addressed the next agenda item.

9. CITY MANAGER REPORT:

Assistant City Manager Kristen Switzer reported a Murdock Park open house would be held on March 21st to discuss the update to the Murdock Park Master Plan. She reported that the deadline for the “If I Were Mayor...” student contest was March 22nd. She reported that the State of the City event would be held on April 17th at the Sherwood Center for the Arts.

Council President Young addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Giles reported that he attended the National League of Cities conference where they lobbied on behalf of Oregon and Sherwood. He stated projects included continued funding for Sherwood Broadband and protections for cities that discovered PFAS contamination in their water.

Councilor Mays reported that he attended the WCCC meeting on March 18th where it was recommended that roughly \$15 million in MSTIP funding be awarded for Edy Road improvements and transportation planning for Sherwood West.

Council President Young reported that she attended the Westside Economic Alliance policy conference and spoke on the event. She reported she attended the Chamber of Commerce breakfast where CWS provided a presentation.

Councilor Mays reported that the first Charter Review Committee meeting would be held on March 21st.

11. ADJOURN:

Council President Young adjourned the regular session at 7:17 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: Craig Sheldon, City Manager Pro Tem
Through: Ryan Adams, City Attorney

SUBJECT: Resolution 2024-020, Appointment of City Council Liaison Assignments

Issue:

Shall the City Council approve the City Council Liaison assignments for 2024?

Background:

At the beginning of each new calendar year, the mayor appoints City Councilors to various liaison assignments for both city and non-city commissions, boards and committees as the mayor deems necessary. Mayor Rosener has made such appointments which are outlined in Exhibit A which is attached to the subject resolution. The primary role of the liaison member is to convey information from the Council to the commission or committee and from the commission or committee to the Council.

Chapter 6.II.A.1 of the Rules of Procedure for City Council stipulates that the mayor's appointments are approved by the consent of the City Council by resolution. These assignments are for the calendar year 2024.

Financial Impacts:

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

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2024-020, Appointment of City Council Liaison Assignments.



RESOLUTION 2024-020

APPOINTMENT OF CITY COUNCIL LIAISON ASSIGNMENTS

WHEREAS, the current Rules of Procedure for City Council in Chapter 6 outlines the process for appointment of Councilor Liaisons to both city and non-city commissions, boards and committees; and

WHEREAS, Mayor Tim Rosener has appointed Councilors to their respective assignments as outlined in the attached Exhibit A; and

WHEREAS, Councilor liaison assignments are required to be approved by consent of City Council.

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

Section 1. The Council Liaison assignments as outlined in the attached Exhibit A are approved for 2024.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 2nd of April 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Boards and Commissions - 2024 Council Liaison Assignments

	Liaison	Alternate
Planning Commission	Dan	Keith
Parks and Recreation Advisory Board	Doug	Taylor
Library Advisory Board	Taylor	Dan
Culture Arts Commission	Keith	Taylor
Police Advisory Board	Kim	Renee
Budget Committee	Tim	Kim
Senior Advisory Board	Renee	Doug

Other Boards and Organizations

	Liaison	Alternate
Comm Development Block Grant Adv BD	Kim	Dan
Willamette River Water Coalition	Keith	Kim
Regional Water Providers Consortium	Renee	Doug
Willamette Intake Facilities Commission	Keith	Kim
WCCC	Tim	Kim
Metro in General	Tim	Kim
Washington County in General	Tim	Kim
Sherwood SSD/YSAT	Taylor	Kim

TO: Sherwood City Council

FROM: Ty Hanlon, Police Chief

Through: Craig Sheldon, City Manager Pro-Tem, and Ryan Adams, City Attorney

SUBJECT: Resolution 2024-021, Approving Sherwood Police Department Policy Updates - April 2024

Issue:

Should the City Council approve updates to the Police Department policy manual?

Background:

The Sherwood Police Department subscribes to Lexipol for its Police Department Policy System/Manual. That subscription includes, at a minimum, two (2) annual updates to the policy manual, generally in July and December every year. Updates also occur as a result of changes in case law, statutory changes and/or accepted best practices. Lexipol has been releasing a series of policy updates for the Sherwood Police Department Policy Manual as a result of the passage of multiple pieces of legislation by the Oregon Legislature. The April 2024 updates include several Senate and House Bill updates along with changes to language/content.

The updates noting track changes are attached as exhibit 1 to this staff report.

Lexipol law enforcement professionals and attorneys specializing in public safety law have thoroughly researched and reviewed these updates. The updates have also been reviewed and vetted by Chief Hanlon.

These updates were reviewed by the Sherwood Police Advisory Board during their regular meeting on February 15th, 2024. The Police Advisory Board recommends approval of the updates and resulting policies as attached.

The policy updates were reviewed by the City Council and staff has prepared a resolution for consideration of adoption of said policies.

Financial Impact:

No financial impact or additional funds needed by this resolution.

Recommendation:

Staff and the Sherwood Police Advisory Board respectfully recommend adoption of Resolution 2024-021, Approving Sherwood Police Department Policy Updates – April 2024.

Training

203.1 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 Agency will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.~~ This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 PHILOSOPHY POLICY

The Agency ~~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~~ shall administer a training program that will meet the standards of federal, state, local, and the Oregon Department of Public Safety Standards and Training (DPSST) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the ~~Training Program~~ 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~~ department members.
- (c) Provide for continued professional development of ~~department personnel~~ department members. ~~Enhance the safety of officers and the community~~
- (d) ~~Ensure compliance with DPSST rules and regulations concerning law enforcement training.~~

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Support Captain. It is the responsibility of the Support Captain 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, ~~including search and seizure~~
- State- ~~and Federally~~ -mandated training, ~~including the~~
- Prison Rape Elimination ~~Act~~ Act (PREA)
- High-liability issues training, ~~including Use of Force~~
- Training on department policies and procedures

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Training

- [Trauma-informed practices \(ORS 181A.445\)](#)

203.4.1 GOVERNMENT-MANDATED TRAINING

[The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.](#)

- (a) [Federally mandated training:](#)
 1. [National Incident Management System training](#)
- (b) [State-mandated training:](#)
 1. [Candidates hired for officer positions shall commence the basic training course within 90 days of employment. Such candidates shall complete the basic training course and the field training manual within 18 months of employment. The basic law enforcement training requirement may be waived if the candidate meets the criteria established by DPSST \(OAR 259-008-0025\).](#)
 2. [During the three-year maintenance schedule, each officer shall \(OAR 259-008-0065\):](#)
 - (a) [Maintain adult and child CPR certification.](#)
 - (b) [Maintain first aid certification.](#)
 - (c) [Complete a minimum of 84 hours of City of Sherwood Police Department-approved training, which shall include:](#)
 1. [A minimum of 8 hours of firearms or use of force training annually.](#)
 2. [A minimum of 1 hour of ethics training annually.](#)
 3. [A minimum of 3 hours of mental health/crisis intervention training.](#)
 4. [A minimum of 2 hours of airway and circulatory anatomy and physiology training.](#)
 5. [A minimum of 3 hours of equity training as prescribed by DPSST.](#)

203.4 [TRAINING MANAGER]

[The Police Chief shall designate a Support Captain who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Support Captain should review the training plan annually.](#)

203.5 TRAINING NEEDS ASSESSMENT

~~The Training Division will conduct an annual training-needs assessment of the Agency. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.~~

203.6 TRAINING COMMITTEE

The Support ~~Captain may establish~~ [Captain may establish](#) a Training Committee, [on a temporary or as-needed basis,](#) which will ~~serve to~~ assist with identifying training needs ~~for~~ [of](#) the Agency.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Training

~~If utilized, the~~ The Training Committee ~~shall~~ should be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. ~~Members~~ Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Support Captain may remove or replace members of the committee at ~~his/her~~ their discretion.

The Training Committee should 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~~ a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by ~~a supervisor~~ the Agency as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Support Captain 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 Support Captain. The recommendation should not identify specific facts of any incidents, such as identities of ~~employees~~ members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Support Captain will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Agency and available resources. Training recommendations as determined by the Support Captain shall be submitted to the command staff for review.

203.7 TRAINING PROCEDURES ATTENDANCE

- (a) All ~~employees~~ members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences ~~from mandatory training~~ should be limited to:
 - 1. Court appearances.
 - 2. ~~First choice vacation~~ Previously approved vacation or time off.
 - 3. ~~Sick~~ Illness or medical leave.
 - 4. Physical limitations preventing the ~~employee's~~ member's participation.
 - 5. Emergency situations or department necessity.
- (b) ~~When an employee~~ Any member who is unable to attend ~~mandatory~~ training as scheduled, that employee shall ~~Notify his/her~~ shall notify the member's supervisor as soon as ~~possible,~~ practicable but no later than ~~at least~~ one hour prior to the start of training ~~;~~ and shall.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Training

1. Document ~~his/her~~ the member's absence in a memorandum to ~~his/her~~ the member's supervisor.
2. Make arrangements through ~~his/her~~ the member's supervisor and the Support Captain to attend the required training on an alternate date.

~~Employees shall not miss consecutive training sessions for any training required for continued certification. This includes, but may not be limited to firearms, defensive tactics and use of force. If an employee is unable to complete the training required for certification they shall notify their immediate supervisor, in accordance with Policy 1032 of this manual.~~

203.8 TRAINING COSTS

It is the responsibility of the Support Captain to determine when the City of Sherwood Police Department may be entitled for training reimbursements when an officer has completed any portion of basic training in the last 36 months and voluntarily leaves employment and is subsequently employed by a different law enforcement agency in a position that requires the same training. If it is determined to seek reimbursement for qualifying expenses, the requests shall comply with the provisions of ORS 181A.620.

203.9 DAILY TRAINING BULLETINS

The ~~Department may choose to utilize the~~ Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the City of Sherwood Police Department Policy Manual and other important topics. ~~Personnel~~ Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Support Captain.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the ~~Patrol~~ Support Captain. ~~Personnel~~ Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, ~~employees~~ members should log off 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~~ Members 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~~ Members should not allow uncompleted DTBs to build up over time. ~~Personnel~~ , and 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~~ members 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~~ those under their command to ~~insure~~ ensure compliance with this policy.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Training

203.9 TRAINING RECORDS

[The Support Captain is responsible for the creation, filing, and storage of all training records.](#)
[Training records shall be retained in accordance with the established records retention schedule.](#)

Child Abuse

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when City of Sherwood Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

316.1.1 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.

316.2 POLICY

The City of Sherwood Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

316.3 MANDATORY NOTIFICATION

Members of the City of Sherwood 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 who is either (ORS 419B.005(2)):

- (a) Under 18 years of age.
- (b) A child in care as defined in ORS 418.257.

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 or to the unlawful manufacturing of a cannabinoid extract; 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) and OAR 413-015-0115.

316.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORS 419B.015; OAR 413-015-0305):

- (a) Verbal notification to DHS shall be made immediately to the Oregon Child Abuse Hotline when the officer determines that the report of alleged child abuse requires an immediate joint response.

Child Abuse

- (b) Verbal, electronic transmission, or hand-delivered notification to DHS of all other reports of child abuse 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.
 - 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 child abuse, including any evidence of previous abuse.
 - 5. The explanation given for the child abuse.
 - 6. Where the child abuse 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 child abuse and the identity and whereabouts of the perpetrator.
 - 9. The name and contact information for the assigned DHS worker ~~and officer~~ [and officer](#).

If the alleged child abuse occurred at a facility or was perpetrated by a person from a facility that requires a state license from the Department of Early Learning and Care (DELIC) (e.g., child care facility), notification and the outcome of the investigation shall also be reported to DELIC (ORS 419B.020).

If the alleged child abuse occurred in a school or was related to a school-sponsored activity, or amounts to sexual conduct under ORS 339.370, notification and the outcome of the investigation shall also be reported to the Department of Education (ORS 419B.020).

316.4 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).

Child Abuse

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, an officer 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:

- (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).

316.5.1 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 cause to be photographed any visible injuries or any injuries identified by the child if practicable, 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 maintained by the Agency 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

Child Abuse

officer shall ensure that the child is evaluated by an available physician, licensed physician assistant, or licensed nurse practitioner.

316.5.2 INVESTIGATIONS ON SCHOOL PREMISES

When an investigation of child abuse is conducted on school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator is a subject of the investigation. The investigator shall present identification to school staff members. The investigator is not required to reveal information about the investigation to the school as a condition of conducting 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 suspected victim, the investigating officer should inquire whether the child has any disabilities that may affect the interview process. These provisions apply to an investigation that involves an interview with the suspected victim of abuse or witnesses and not to investigations or interviews of a person suspected of having committed the abuse (ORS 419B.045).

316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from the child's 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 the child's 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 there is reasonable cause to believe any of the following:
 - 1. An imminent threat of severe harm to the child exists
 - 2. The child poses an imminent threat of severe harm to self or others
 - 3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists
- (b) When the juvenile court has issued a valid order that the child is to be taken into protective custody

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Child Abuse

316.6.1 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).

316.6.2 SAFE HAVEN PROVISION

A parent may leave an infant who is not more than ~~30~~ 60 days old at an authorized facility, including this department, as long as the child ~~has displays~~ no ~~evidence signs~~ of abuse (ORS 418.017).

When an infant is surrendered to this department, members of the City of Sherwood Police Department shall follow the provisions set forth in ORS 418.017.

316.7 INTERVIEWS

Interviews should be conducted as follows;

316.7.1 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.

316.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not involuntarily detain a child 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.

Child Abuse

316.8 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.

316.9 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.

316.9.1 SUPERVISOR RESPONSIBILITIES

The 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 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.

316.9.2 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 Investigation Unit supervisor so an interagency response can begin.

316.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

Child Abuse

316.10.1 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).

Information may be shared to the appropriate military authorities regarding a child who is the subject of a report of child abuse when the parent or guardian of the child is in the military (ORS 419B.015).

316.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The 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).

316.10.3 CHILD FATALITY REVIEW TEAMS

This department should cooperate with any child fatality review team and investigation (ORS 418.785).

316.10.4 DISPOSITION OF INVESTIGATION

Each investigation of child abuse shall be concluded with one of the following dispositions (ORS 419B.026):

- Founded
- Unfounded
- Undetermined

[If the investigation determines that the child abuse allegations were founded, the investigating officer shall notify DHS by making an oral report and a written report pursuant to DHS protocols \(ORS 419B.020\).](#)

316.11 TRAINING

The Agency 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.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Victim and Witness Assistance

321.1 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.

321.2 POLICY

The City of Sherwood Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the City of Sherwood 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.

321.3 CRIME VICTIM LIAISON

The Police Chief may appoint a member of the Agency 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 City of Sherwood 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.

321.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Providing oral or written notice to crime victims of the Oregon Crime Victim Bill of Rights. This may be accomplished by providing the information in victim handouts or providing the notice electronically (ORS 147.417).
- (b) Sexual assault investigations (ORS 181A.325):
 - 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, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

Victim and Witness Assistance

321.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

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.

321.4.1 VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in ORS 147.425, have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

321.5 VICTIM INFORMATION

The Administration Section Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) 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.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) 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~~ offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the ~~officer's~~ officer's name, badge number, and any applicable case or incident number.
- (j) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.
- (k) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking, bias crimes, or human trafficking (ORS 192.826).

Victim and Witness Assistance

- (l) Oregon Crime Victim Bill of Rights (ORS 147.417).
- (m) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).
 - 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.
- (n) The hate crimes telephone hotline for assisting the victims of bias crimes and bias incidents (ORS 147.380).

321.6 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.

Death Investigation

332.1 PURPOSE AND SCOPE

~~The investigations of cases involving death include those ranging from natural cause to homicide.~~ purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they ~~appeared~~ appear to be initially. The thoroughness of death investigations ~~cannot be emphasized enough~~ and use of appropriate resources and evidence gathering techniques is critical.

332.2 INVESTIGATION CONSIDERATIONS

~~Death investigation cases require certain actions be taken. Paramedics~~ Emergency medical services shall be called in all suspected death cases unless ~~the~~ death is obvious (e.g., decapitated, decomposed, etc.). ~~Officers are not authorized to pronounce death.~~

A supervisor shall be notified ~~in all death investigations~~ as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Support Section Section Commander as necessary. The Shift Supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

332.2.1 ~~MEDICAL EXAMINER NOTIFICATION~~ MEDICAL EXAMINER REQUEST

~~Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death~~ Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner be notified immediately of any death (ORS146.090; ORS 146.100):

- (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.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Death Investigation

- (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~~
- (i) 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, medical-legal death investigator or the District Attorney (ORS 146.103).~~

~~A Medical Examiner, medical-legal death investigator or District Attorney, in conjunction with the City of Sherwood 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 (ORS 146.103).~~

332.2.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

332.2.2 SEARCHING DEAD BODIES

~~Whenever~~ —

- (a) The Medical Examiner, their assistant, and authorized investigators are generally the only persons permitted to move, handle, or search a dead body (ORS 146.103).
- (b) An officer shall make a reasonable search of an individual who it is reasonable to believe is dead or near death for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or their assistant shall be promptly notified, or, if the individual was taken to a hospital, the officer must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970).
- (c) The Medical Examiner, with the permission of the Agency, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (ORS 146.103).
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or their assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or their assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain
- (f) nearby the scene

~~-- with~~

- (a) and available to the officer pending the arrival of the Medical Examiner or their assistant. The name and address of this person shall be included in the narrative of the death report.

Death Investigation

- (b) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or their assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

~~Officers must make a reasonable search of an individual who reasonably appears to be dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a donor refusal. If a document of gift or a refusal to make an anatomical gift is located and the individual or deceased individual is taken to a hospital, the officer must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970). Officers must consider the integrity of the scene and evidence collection issues when deciding whether a search is reasonable.~~

332.2.3 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.~~

332.2.4 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.~~

332.2.4 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

332.2.5 DEATH INVESTIGATION REPORTING

~~All incidents involving a death shall be documented on the appropriate form.~~

332.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the ~~Investigations Section shall~~ officer shall take steps to protect the scene. The Investigation Unit shall be notified to determine the possible need for ~~a detective~~ an investigator to respond to the scene ~~for further immediate investigation.~~ .

If the on-scene supervisor, through consultation with the Shift Supervisor or Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Death Investigation

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

332.2.7 DRUG OVERDOSE CASES-LEN BIAS INVESTIGATIONS

On any case where the initially assigned and responding officer suspects that the death involves the overdose and/or use of controlled substances, they shall immediately notify their supervisor or a Section Captain.

On any death investigation involving a drug overdose, the Westside Interagency Narcotics Team (WIN) will be notified to triage the case. If warranted, narcotics investigators will be called to assist in the investigation.

The WIN supervisor will be the first point of contact on these types of cases. Requests will be made to the on-call WIN Sergeant who will coordinate with the on-scene supervisor and triage the case. If it is determined that the incident meets the criteria for WIN assistance, the Washington County Major Crimes Team may be called to assist, and an investigator from this agency will be assigned.

332.2 POLICY

It is the policy of the City of Sherwood Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

332.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

332.5 DEATH NOTIFICATION

When reasonably practicable, 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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Mobile Audio Video

419.1 PURPOSE AND SCOPE

The City of Sherwood Police Department may equip marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the City of Sherwood Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

419.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Agency any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only City of Sherwood Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Mobile Audio Video

419.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the ~~unit's~~ vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record. Whenever the audio portion is activated, officers should, whenever possible, advise all persons present that they are being recorded ~~in accordance with~~ (ORS 165.540~~(5)(c)~~).

419.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. ~~DWI/DUI~~ DUII investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons

Mobile Audio Video

- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

419.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

419.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Police Chief or the authorized designee for the purpose of conducting a criminal or administrative investigation.

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MAV system media.
 - 2. The date it was issued.
 - 3. The law enforcement operator or the vehicle to which it was issued.
 - 4. The date it was submitted.
 - 5. Law enforcement operators submitting the media.
 - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as

Mobile Audio Video

evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

419.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Agency. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of conduct
- (c) By a supervisor to assess performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Police Chief or the authorized designee
- (i) By the media through proper process or with permission of the Police Chief or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

Mobile Audio Video

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

419.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

419.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

419.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Police Chief or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

419.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the City of Sherwood Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

419.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

Mobile Audio Video

- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

419.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

419.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Portable ~~Recording Devices~~ Audio/Video Recorders

421.1 PURPOSE AND SCOPE

~~This~~ This policy provides guidelines for the use of portable audio/video recording devices by members of this ~~department~~ department while in the performance of their duties. Portable audio/video recording devices ~~includes body-worn cameras and all other portable~~ include all recording systems whether body-worn, hand held or integrated into portable equipment (ORS 133.741).

This policy does not apply to mobile audio/video ~~(in-car)~~ recordings, interviews or interrogations conducted at ~~any City~~ any City of Sherwood Police ~~Department facility~~ Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

421.2 POLICY

The City of Sherwood 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~~ Agency by accurately capturing contacts between members of the ~~Department~~ Agency and the public.

~~Portable recorders provide a limited perspective of the encounter and must be considered with other available evidence, such as witness statements, officer interviews, forensic analysis and documentary evidence when evaluating the appropriateness of an individual's actions.~~

421.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any ~~department~~ department-issued device at any time, and any recording made while acting in their official capacity of this ~~department~~ department, regardless of ownership of the device it was made on, shall remain the property of the ~~Department~~ Agency. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

421.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a ~~body-worn camera~~ portable recorder issued by the ~~Department~~ Agency, and that the ~~camera is~~ recorder is in good working order. If the ~~camera is~~ recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the ~~camera in~~ recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved ~~body-worn camera at~~ portable recorder at any time the member believes that such a device may be useful. Unless

Portable

conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a ~~body-worn-camera~~ portable recorder, the assigned member shall record his/her name, ~~SPD~~ SPD identification 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.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

421.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the ~~body-worn-camera~~ portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the ~~camera~~any ~~recorder~~ any time the member believes it would be appropriate or valuable to record an incident.

The ~~body-worn-camera~~ portable recorder should be activated in any of the following situations:

- (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 Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Unless there are exigent circumstances or concerns for the safety of the member or any other person, body-worn cameras shall be activated whenever the officer has or develops reasonable suspicion or probable cause that an offense has been or will be committed by a person in contact with the member (ORS 133.741).

Members shall notify all parties to the conversation that a recording is being made unless pursuant authorized to forgo notice by 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~~ endanger 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

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Portable

criterion, ~~although the request itself may not justify stopping the recording~~. 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~~ their safety in order to activate a portable ~~audio/video~~ recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

421.5.1 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~~ department member without a court order unless lawfully authorized by the Police Chief or the authorized designee.

421.5.2 CESSATION OF RECORDING

Once activated, the body-worn camera should remain on continuously until the member reasonably believes that his/her 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.

421.5.3 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.

421.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using ~~department~~ department-issued ~~body-worn cameras~~ 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.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with ~~department~~ department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate ~~department~~ department business purposes. All recordings shall be retained at the ~~Department~~ Agency or by a ~~Department~~ any department-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for ~~department~~ department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Portable

421.6.1 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Recordings from body-worn cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

421.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

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.

421.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). 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~~ Agency who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (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 Police Chief or the authorized designee.

Portable

- (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.

421.9 COORDINATOR

The Police Chief or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

421.10 RETENTION OF RECORDINGS

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.

Recordings made from body-worn cameras no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741).

421.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

421.10.2 STORAGE OF DATA BY VENDORS

Any contract with a third-party vendor for data storage of recordings from body-worn cameras must state that all recordings are the property of the City of Sherwood Police Department, not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the City of Sherwood Police Department (ORS 133.741).

Medical Marijuana

422.1 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~~ Oregon's medical marijuana laws (ORS ~~475B 475C.785- 770~~ et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Attending provider - A health care provider as defined by ORS ~~475B 475C.791- 777~~ who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

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 the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that ~~person's~~ person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a ~~person's~~ person's attending provider; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS ~~475B 475C.791 777~~; ORS ~~475B 475C.807 791~~; ORS ~~475B 475C.801 786~~).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed and any other activities identified by the Oregon Department of Agriculture (ODA) by rule (ORS 571.269).

Mature marijuana plant ~~--A marijuana plant that has flowers (ORS 475B.791).~~

Medical use of marijuana - The production, processing, possession, delivery, ~~distribution,~~ or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition (ORS ~~475B 475C.791 777~~). ~~The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.~~

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by the person's attending provider that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS ~~475B~~

Medical Marijuana

~~475C.913 889~~). This includes a person who has been issued a valid RIC for ~~his/her~~ their medical condition (ORS ~~475B 475C.797 783~~).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS ~~475B 475C.797- 783~~ that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS ~~475B 475C.804 789~~, the ~~person's~~ person's designated primary caregiver (ORS ~~475B 475C.791 777~~). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS ~~475B 475C.810 792~~.

Statutory possession and grow site amounts - Amounts authorized by ORS ~~475B 475C.831 806~~ and ORS ~~475B 475C.834 809~~.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS ~~475B 475C.791 777~~).

422.2 POLICY

It is the policy of the City of Sherwood 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 ~~475B 475C.785 770~~). However, ~~Oregon's~~ 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 City of Sherwood 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 Agency.

422.3 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.

422.3.1 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.

Medical Marijuana

422.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Officers shall not take enforcement action against 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 ~~475B 475C.907~~ 883).

Cardholders are required to ~~possess—a~~ carry their RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS ~~475B 475C.837~~ 812). However, officers should treat a person without a RIC in ~~his/her~~ their possession as if it were in ~~his/her~~ their possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

422.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not take enforcement action against a patient who does not have a RIC for possession, delivery, or production of marijuana, or any other criminal offense in which possession, delivery, or production of marijuana is an element, if the patient meets all of the following (ORS ~~475B 475C.913~~ 889):

- (a) Is engaged in the medical use of marijuana
- (b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Officers should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession ~~quantities~~ or ~~below statutory~~ grow site ~~quantities~~ amounts; and the ~~person's~~ person's medical use claim appears genuine under the circumstances (ORS ~~475B 475C.913~~ 889).

422.3.4 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 manner (ORS ~~475B 475C.810~~ 792):
 - 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) An ~~officer who~~ officer who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of ~~plants~~ plants (ORS ~~475B 475C.831~~ 806).
- (c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, officers may

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Medical Marijuana

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.
 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (d) Before proceeding with enforcement related to grow sites, a marijuana producer, ~~or~~ or processing ~~sites officers~~ sites, officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor and Cannabis Commission (ORS ~~475B 475C.831~~ 137; ORS ~~475B 475C.436~~ 806).
- (e) Registration or proof of registration under ORS ~~475B 475C.785- 770~~ to ORS ~~475B 475C.949- 919~~ does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS ~~475B 475C.922~~ 894).
- (f) As a licensing authority, ~~the~~ the Oregon Liquor and Cannabis Commission may assist with related questions regarding recreational ~~marijuana~~ marijuana (ORS ~~475B 475C.070~~ 065).

422.3.5 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 ~~475B 475C.910~~ 886):

- (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 to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If an officer knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS ~~475B 475C.010- 005~~ to ORS ~~475B 475C.545~~ 525), the officer shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS ~~475B 475C.429~~ 413).

Medical Marijuana

422.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be licensed with the ODA to grow or handle industrial hemp or produce agricultural hemp seed. Growers and handlers who produce seed products incapable of germination are not required to be licensed with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

422.4 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.

422.5 PROPERTY AND EVIDENCE SUPERVISOR RESPONSIBILITIES

The Property and Evidence 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. The Property and Evidence supervisor is not responsible for caring for live marijuana plants (ORS ~~475B~~ [475C.922](#) [894](#)).

~~Marijuana should not be returned to any person unless authorized by the Investigation Unit supervisor and upon advice of city counsel. Any court order to return marijuana should be referred to city counsel.~~ Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence supervisor shall immediately return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property (ORS [475C.894](#)).

The Property and Evidence supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

Impaired Driving

504.1 PURPOSE AND SCOPE

~~This-~~ This policy provides guidance to those ~~department-~~ department members who play a role in the detection and investigation of driving under the influence of intoxicants (~~DUI~~ DUII).

504.1.1 DEFINITIONS

Definitions related to this policy include:

Intoxicants - Intoxicating liquor, controlled substances, inhalants, cannabis, psilocybin, and any drug as defined in ORS 475.005 that, when used alone or in combination with any other intoxicant, adversely affects an individual's mental or physical faculties to a noticeable or perceptible degree (2023 Oregon Laws, c. 498, § 2).

504.2 POLICY

The City of Sherwood Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce ~~DUI-~~ DUII laws to the exclusion of their other duties unless specifically assigned to ~~DUI-~~ DUII enforcement. All officers are expected to enforce these laws with due diligence.

The ~~Patrol Captain-~~ Patrol Captain will develop and maintain, in consultation with the prosecuting attorney, ~~appropriate-~~ with appropriate checklists to assist investigating ~~officers~~ officers in documenting relevant information and maximizing efficiency. Any ~~DUI-~~ DUII investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The ~~officer's-~~ officer's observations that indicate impairment on the part of the individual, and the ~~officer's-~~ officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the ~~individual's-~~ individual's driving or subsequent actions.
- (e) The location and time frame of the ~~individual's-~~ individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Oregon or another jurisdiction.

Impaired Driving

504.4 FIELD TESTS

The Patrol Captain should ~~insure that only approved~~ identify standardized FSTs and any approved alternate tests ~~are used by officers-~~ for officers to use when investigating violations of ~~DUI~~ DUII laws.

504.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

- (a) The arresting officer has reasonable grounds to believe that the person was ~~DUI~~ DUII.
- (b) The person is arrested for ~~DUI~~ DUII and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).
- (c) The person is arrested for ~~DUI~~ DUII and was involved in an accident resulting in injury or property damage (ORS 813.131).
- (d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was ~~DUI~~ DUII.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the ~~officer-~~ officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Patrol Captain should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Captain.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability

Impaired Driving

to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.4 STATUTORY NOTIFICATIONS

Prior to administering any tests, the person shall be informed of the rights and consequences for ~~DUI~~ DUII and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

504.5.5 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES

An officer may not request that a person submit to a urine test unless the officer is certified by the Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The ~~officer must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of cannabis, psilocybin, a controlled substance, an inhalant, or any combination of cannabis, psilocybin, an inhalant, a controlled substance, and intoxicating liquor (ORS 813.131).~~ The person providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

504.5.6 ADDITIONAL TESTING

An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, psilocybin, a controlled substance, or an inhalant in the person's body is an issue (ORS 813.150).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).
- (b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

Impaired Driving

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (ORS 813.100).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when legal and practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

Impaired Driving

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in ~~his/her~~ their blood, the investigating officer shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The completed Implied Consent Form
- Any confiscated license or permit belonging to the person
- A copy of the written report that complies with ORS 813.120

An officer confiscating a ~~person's~~ person's license pursuant to state ~~DUI~~ DUII laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked, or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

504.7.2 OFFENSE FOR REFUSAL

If a person refuses to submit to a breath or urine test, the arresting officer may charge the person with a separate offense (ORS 813.095).

504.8 RECORDS SECTION RESPONSIBILITIES

The Support Captain will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Support Captain will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

Impaired Driving

504.10 TRAINING

The Support Captain should ensure that officers participating in the enforcement of ~~DUI~~ DUII laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques, and rules of evidence pertaining to ~~DUI~~ DUII investigations. The Support Captain should confer with the prosecuting ~~attorney's~~ attorney's office and update training topics as needed.

Investigation and Prosecution

600.1 POLICY

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

600.2 INITIAL INVESTIGATION

600.2.1 OFFICER RESPONSIBILITIES

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

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

600.2.2 CIVILIAN NON SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.2.3 INTERVIEWS OF CHILD WITNESSES

Investigation and Prosecution

The Support Section Commander, or the authorized designee, is responsible for the development of child witness interview procedures that include parental notification and account for child safety. For purposes of this subsection, a child witness is an unmarried person who is under the age of 18 and who is not the victim of, suspect in, or related to, the suspect in a child welfare, criminal, or delinquency investigation (2021 Oregon Laws, c335).

600.2.4 INTERVIEW OF A CHILD SUSPECT

A. Interviewing Juveniles

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

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

b. The officer should take into consideration the juvenile's age, intelligence, experience, education, background, recent drug and alcohol use, sleep deprivation and whether the juvenile has the competency to understand the Miranda warnings and/or the consequences of waiving these constitutional rights.

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

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

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

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

g. The officer should not intentionally use information known by the officer to be false to elicit a statement from the juvenile. Pursuant to SB418 (2021), a statement made by a juvenile in connection with a misdemeanor or felony will be "presumed to be involuntary if the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement".

2. If, at any time during the interview, the juvenile asks to speak with his/her parent or guardian before answering questions, the officer should discontinue questioning until the juvenile has been given the opportunity. Unless the juvenile specifically invokes the right to remain silent, the officer may continue questioning after a parental consultation, but should give advice of rights again before resuming the questioning. The officer should take care that the parent is not asked to be an agent of the police during the parental consultation.

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

4. In order to minimize disruption at school and in cooperation with school officials, officers who interview or arrest a student at school should comply with procedures established by the school district involved, so long as those procedures do not conflict with law enforcement's statutory

Investigation and Prosecution

authority. Officers shall insure parental notification is made within a reasonable amount of time when a child is interviewed as a suspect in a criminal investigation. This notification can be made before or after the interview, depending on the circumstances surrounding the investigation.

5. Pursuant to SB386 (2021), unless the child's safety would be compromised, officers who interview a child as a witness (not a victim or suspect) to a child welfare, criminal or delinquency investigation, are required to notify the child's parent of the interview. "Child witness means an unmarried person who is under 18 years of age and who is not the victim of, the suspect in, or related to, the suspect in a child welfare, criminal or delinquency investigation".

6. ORS 419B.028 (part of Karly's Law), requires the immediate photographing of suspicious physical injuries. Any conversation with the child being photographed should consist of just a few questions, or fit within the above listed criteria so as not to become an unreasonable seizure.

600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

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

600.3 INVESTIGATIVE PROCEDURES

The Support Section Commander or the authorized designee is responsible for the development of investigative procedures including:

- (a) Guidance for interacting with persons who have experienced trauma consistent with the Substance Abuse and Mental Health Services Administration's (SAMHSA) trauma-informed principles adopted by DPSST (ORS 181A.445).
 - 1. Procedures should include interview techniques and considerations to take into account when writing reports based upon interviews with persons who have experienced trauma.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

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

600.4.1 AUDIO/VIDEO RECORDINGS

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

Investigation and Prosecution

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

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

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

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

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

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

600.5 PURPOSE AND SCOPE

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

600.6 DISCONTINUATION OF INVESTIGATIONS

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

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Investigation and Prosecution

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

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

600.7 COMPUTERS AND DIGITAL EVIDENCE

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

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

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

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Investigation and Prosecution

600.8.1 ACCESS RESTRICTIONS

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

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

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

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

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

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

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

600.9 MODIFICATION OF CHARGES FILED

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

600.10 SECTION TITLE

600.11 SECTION TITLE

600.12 SECTION TITLE

600.13 SECTION TITLE

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

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

1000.2 POLICY

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

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

1000.2.1 SELECTION

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

The recruitment and selection process for police officers will ensure that the applicant meets the standards and is tested as required by the Oregon Department of Public Safety and Training, (Oregon Administrative Rules, Chapter 259-008.) The initial phase of the selection process will determine whether the applicant meets the minimum qualifications as set forth in the job description. A formal job description will be established for every position within the agency, and will be periodically reviewed and updated. The City of Sherwood Human Resources Manager will maintain current and accurate job descriptions that include required duties and responsibilities for all positions within the Sherwood Police Department. The subsequent phases of the process will progressively eliminate unsuitable candidates and advance the most qualified applicants; who must successfully complete the following:

- Oregon Physical Abilities Test
- National Police Officer Selection Test

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Recruitment and Selection

- Panel interviews
- Submission of a background packet, Personal History Questionnaire, and California Personality Inventory
- Initial non-medical assessment of the Personal History Questionnaire
- Submission of inked fingerprints for criminal records check
- Interview by command staff
- Conditional job offer
- Background investigation
- Review of background investigation
- Psychological assessment
- Medical test
- Appointment

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

1000.3 RECRUITMENT

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

The strategy should include:

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

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

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

Recruitment and Selection

1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
 - 1. The personnel records of any applicant for officer or reserve officer shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (ORS 181A.667).
 - 2. Employment information from another law enforcement agency is confidential and may not be disclosed except as provided in ORS 192.355. The information received may only be used for investigative leads and shall be independently verified (ORS 181A.668).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

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

1000.5 BACKGROUND INVESTIGATION

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

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Recruitment and Selection

1000.5.1 NOTICES

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

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Section Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

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

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

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

1000.5.3 DOCUMENTING AND REPORTING

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

1000.5.4 RECORDS RETENTION

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

1000.5.5 STATE NOTICES

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

1000.6 DISQUALIFICATION GUIDELINES

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

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior

Recruitment and Selection

- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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

1000.7 EMPLOYMENT STANDARDS

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

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

1000.7.1 STANDARDS FOR OFFICERS

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

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
 1. Any felony
 2. Any offense for which the maximum term of imprisonment is more than one year
 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
 4. Any offense that would subject the candidate to a denial or revocation of a peace officer license
- (e) Meet the moral fitness standards

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Recruitment and Selection

- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

1000.7.2 STANDARDS FOR DISPATCHERS

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

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

1000.8 PROBATIONARY PERIODS

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

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

Sick Leave

1008.1 PURPOSE AND SCOPE

~~This~~ [This](#) policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the ~~City~~ [City](#) personnel manual or applicable collective bargaining agreement (ORS 653.606; ORS 653.611).

This policy is not intended to cover all types of sick or other leaves. For example, employees may 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) and the Oregon Family Leave Act, or leave related to protections because of domestic violence, harassment, sexual assault, [bias crimes](#), or stalking (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

1008.2 POLICY

It is the policy of the City of Sherwood Police Department to provide eligible employees with a sick leave benefit.

1008.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ORS 653.616; OAR 839-007-0020).

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

1008.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Agency with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the Agency (ORS 653.621; OAR 839-007-0040).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Sick Leave

1008.4 SUPERVISOR RESPONSIBILITIES

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

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Manager as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1008.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (ORS 653.626; OAR 839-007-0045).

Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care **provider's** [provider's](#) statement for an absence of three or fewer days (ORS 653.626; OAR 839-007-0045).

[When a verification from a health care provider is required, the Agency shall pay reasonable costs, including lost wages, associated with obtaining the verification that are not paid under the member's health benefit plan \(ORS 653.626\).](#)

1008.6 REQUIRED NOTICES

The Human Resources Manager shall ensure that each employee is provided written notice of the following (ORS 653.631; OAR 839-007-0050):

- (a) Accrued and unused sick time available at least quarterly.
- (b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

Employee Speech, Expression and Social Networking

1032.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Agency (ORS 181A.689).

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1032.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the world wide web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1032.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City of Sherwood Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1032.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the City of Sherwood Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or

Employee Speech, Expression and Social Networking

associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1032.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the City of Sherwood Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City of Sherwood Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the City of Sherwood Police Department or its employees. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Agency. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Criminal Justice Code of Ethics as adopted by the City of Sherwood Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Agency for financial or personal gain, or any disclosure of such materials without the express

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Employee Speech, Expression and Social Networking

authorization of the Police Chief or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the City of Sherwood Police Department on any personal or social networking or other website or web page, without the express authorization of the Police Chief.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1032.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

~~While~~ While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the City of Sherwood Police Department or identify themselves in any way that could be reasonably perceived as representing the City of Sherwood Police Department in order to do any of the following, unless specifically authorized by the Police Chief:

- (a) Endorse, support, oppose, or contradict any ~~political campaign or initiative; appointment, nomination, or election of a person to public office (ORS 260.432).~~
- (b) Endorse, support, oppose, or contradict any initiative, recall petition, or referendum (ORS 260.432).
- (c) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (d) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (e) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast, or on any website.

Additionally, when it can reasonably be construed that an employee, acting in ~~his/her~~ an individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this ~~department~~ department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City of Sherwood Police Department.

Employee Speech, Expression and Social Networking

A notice of restrictions on political activities by employees will be posted and maintained by the ~~Agency~~ Agency in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1032.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Instagram, Twitter) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Police Chief or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Agency.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

1032.7 TRAINING

Subject to available resources, the Agency should provide training regarding employee speech and the use of social networking to all members of the Agency.

Line-of-Duty Deaths

1035.1 PURPOSE AND SCOPE

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

The ~~Police Chief~~ Police Chief may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1035.1.1 DEFINITIONS

Definitions related to this policy include:

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

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

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

1035.2 POLICY

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

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1035.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) ~~Upon~~ Upon learning of a line-of-duty death, the deceased ~~member's~~ member's supervisor should provide all reasonably available information to the ~~Shift Supervisor and Dispatch~~ Shift Supervisor and Dispatch.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the ~~Public~~ Public Information ~~Officer section~~ Officer section of this policy).

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

- (b) ~~The Shift Supervisor~~ The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the ~~Shift Supervisor or~~ Shift Supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The ~~Police Chief or~~ Police Chief or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the ~~Agency~~ Agency Liaison as soon as practicable (see the Notifying Survivors section and the ~~Agency~~ Agency Liaison and Hospital Liaison subsections in this policy).

1035.4 NOTIFYING SURVIVORS

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

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

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

Notifying members should:

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

Line-of-Duty Deaths

timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

- (f) If making notification at a ~~survivor's~~ survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting ~~childcare~~ child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the ~~Agency~~ Agency Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the ~~survivor's~~ survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the ~~Agency~~ Agency Liaison.
- (m) Inform the ~~Police Chief or~~ Police Chief or the authorized designee once survivor notifications have been made so that other ~~City~~ City of Sherwood Police ~~Department members~~ Department members may be apprised that survivor notifications are complete.

1035.4.1 OUT-OF-AREA NOTIFICATIONS

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

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

1035.5 NOTIFYING AGENCY MEMBERS

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

Line-of-Duty Deaths

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

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

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

1035.6 LIAISONS AND COORDINATORS

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

- (a) Agency Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Agency should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1035.6.1 AGENCY LIAISON

The ~~Agency~~ Agency Liaison should be a ~~Section Commander~~ Section Commander or of sufficient rank to effectively coordinate ~~department~~ department resources, and should serve as a facilitator between the deceased ~~member's~~ member's survivors and the ~~Agency~~ Agency. The ~~Agency~~ Agency Liaison reports directly to the ~~Police Chief~~ Police Chief. The ~~Agency Liaison's~~ Agency Liaison's responsibilities include ~~;~~ but are not limited to:

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

- (a) Directing the other liaisons and coordinators in fulfilling ~~survivors'~~ survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System- ~~(NIMS)~~.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-~~mast~~ staff.
- (g) ~~Ensuring that department members are reminded-~~ Reminding department members of appropriate ~~information-sharing-~~ information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the ~~member's-~~ member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1035.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. ~~Agency-~~ Agency members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as ~~much as~~ practicable, that any suspects who are in the hospital and their families or friends are not in ~~close~~ proximity to the ~~member's-~~ member's survivors or ~~City-~~ City of Sherwood Police ~~Department members-~~ Department members (except for members who may be guarding ~~the-~~ a suspect).
- (d) ~~Ensure that-~~ Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

- (f) Stay with survivors and ~~ensure that they are provided~~ provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) ~~Ensure~~ Make arrangements for hospital bills ~~are to be~~ directed to the ~~Agency~~ Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the ~~member's~~ member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include ~~;~~ but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased ~~member's~~ member's equipment and other items that may be of evidentiary value.
- Documenting ~~his/her~~ their actions at the conclusion of ~~his/her~~ duties.

1035.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Section Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- ~~If the survivors have no preference, the~~ The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

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

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Agency Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Agency and the hospital to the survivors. The following should be considered when returning the personal effects:

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison [for survivors](#) to ~~ensure that survivors~~ have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services ([e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial](#)), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Agency to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

1035.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) ~~Ensuring that~~ Making arrangements for members who were involved in or witnessed the incident ~~are to be~~ relieved of department responsibilities until they can receive wellness support.
- (c) ~~Ensuring that~~ Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) ~~are~~ available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ~~ensure~~ inform survivors ~~are aware of~~ available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1035.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the ~~Agency~~ Agency Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral ~~Liaison's~~ Liaison's responsibilities include ~~;~~ but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the ~~Agency~~ Agency, including ~~;~~ but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the ~~Police Chief and~~ Police Chief and command staff concerning funeral arrangements.
 - (e) Assigning ~~an officer to~~ an officer to remain at the family home during the viewing and funeral.
 - (f) Arranging for transportation of the survivors to and from the funeral home and interment site using ~~department~~ department vehicles and drivers.
 - (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1035.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the ~~Agency~~ Agency Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased ~~member's~~ member's funeral.
- (b) Area coverage so that as many ~~City~~ City of Sherwood Police ~~Department members~~ Department members can attend funeral services as possible.

The mutual aid coordinator should perform ~~his/her~~ duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Police Chief should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1035.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include ~~;~~ but are not limited to:

- (a) Confirming the filing of ~~workers'~~ workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 1. Public Safety
 2. Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 3. Social Security Administration.

Line-of-Duty Deaths

4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 1. Public Safety Memorial Fund (ORS 243.950 et seq.)
 2. Education benefit (ORS 348.270)
 3. Life insurance (ORS 243.025)
 4. Death benefit (ORS 238.395; ORS 238A.230)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by ~~police associations~~ [police associations](#) and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1035.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Police Chief and the Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Line-of-Duty Deaths

- (d) Providing accounting and cost information as needed.

1035.7 PUBLIC INFORMATION OFFICER

~~In~~ In the event of a line-of-duty death, the ~~department's PIO~~ department's PIO should be the ~~department's~~ department's contact point for the media. As such, the ~~PIO~~ PIO should coordinate with the ~~Agency~~ Agency Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) ~~Ensure that department members are instructed~~ Instruct department members to direct any media inquiries to the ~~PIO~~ PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
~~Ensure that~~
 - 1. Disseminate important public information
 - 2. , such as information on how the public can show support for the
~~-- Agency~~
 - 1. Agency and deceased
 - 2. member's survivors.
- (d) Arrange for community and media briefings by the ~~Police Chief or~~ Police Chief or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the ~~member's~~ member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to ~~department~~ department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the ~~member's~~ member's survivors have been notified. If the media ~~has~~ have obtained identifying information for the deceased member prior to survivor notification, the ~~PIO~~ PIO should request that the media withhold the information from release until proper notification can be made to survivors. The ~~PIO~~ PIO should ~~ensure that~~ notify media ~~are notified~~ when survivor notifications have been made.

1035.8 AGENCY CHAPLAIN

~~The Agency~~ The Agency chaplain may serve a significant role in line-of-duty deaths. ~~His/her~~ Chaplain duties may include , but are not limited to:

Line-of-Duty Deaths

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting ~~department~~ department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1035.9 INVESTIGATION OF THE INCIDENT

The ~~Police Chief shall ensure that line~~ Police Chief should make necessary assignments to conduct thorough investigations of any line-of-duty ~~deaths are investigated thoroughly~~ death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved ~~department~~ department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1035.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Police Chief may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1035.11 NON-LINE-OF-DUTY DEATH

The Police Chief may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1036.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members (ORS 181A.487).

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1036.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1036.2 POLICY

It is the policy of the City of Sherwood Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Agency will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1036.3 WELLNESS COORDINATOR

The Police Chief should appoint a trained wellness coordinator. The coordinator should report directly to the Police Chief or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

City of Sherwood Police Department

Sherwood PD OR Policy Manual

Wellness Program

2. When practicable, the Agency should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) [Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program \(34 USC § 10281 et seq.\).](#)
 1. [The coordinator should work with appropriate Agency liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death \(see the Line-of-Duty Deaths Policy for additional guidance\).](#)

Wellness Program

1036.4 AGENCY PEER SUPPORT

1036.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1036.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1036.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member shall complete department-approved training prior to being assigned (ORS 181A.835).

1036.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

Wellness Program

1036.6 PEER SUPPORT COMMUNICATIONS

Any communications made by a member or peer support member in a peer support counseling session and any oral or written information conveyed in the session are confidential and may only be disclosed in accordance with ORS 181A.835.

Any communications relating to a peer support counseling session made between peer support members or between peer support members and the supervisors or staff of an employee assistance program are confidential and may only be disclosed in accordance with ORS 181A.835.

All communications, notes, records, and reports arising out of a peer support counseling session are not considered public records subject to disclosure under ORS 192.311 et seq. (ORS 181A.835).

1036.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including to following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for physical fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1036.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

Wellness Program

The coordinator should present the completed audit to the Police Chief for review and consideration of updates to improve program effectiveness.

1036.9 TRAINING

The coordinator or the authorized designee should collaborate with the Support Captain to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Support Captain as appropriate for inclusion in training records.



RESOLUTION 2024-021

APPROVING SHERWOOD POLICE DEPARTMENT POLICY UPDATES – APRIL 2024

WHEREAS, in accordance with Sherwood Municipal Code 2.36.030(B)(1), the Sherwood Police Advisory Board will review all police policy amendments and make a recommendation to the Sherwood City Council; and

WHEREAS, in accordance with Sherwood Municipal Code 2.36.030(B)(2), the Sherwood City Council will review the police policy amendments, and the recommendation by the Sherwood Police Advisory Board, and approve the amendments by resolution; and

WHEREAS, the April 2024 police policy amendments contain updates to legislative passages and language improvements; and

WHEREAS, the Sherwood Police Advisory Board did review the April 2024 police policy amendments during their regular meeting on February 15, 2024 and recommends approval by the Sherwood City Council; and

WHEREAS, Sherwood Police Chief has reviewed all the April 2024 updates and recommends the Sherwood City Council approve them; and

WHEREAS, the Sherwood City Council recognizes the need to maintain a current and legally sound police policy manual and approves the April 2024 police policy updates.

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

Section 1. The City Council approves the April 2024 updates to the Sherwood police policy manual attached hereto as Exhibit A.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 2nd of April 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Agency shall administer a training program that will meet the standards of federal, state, local, and the Oregon Department of Public Safety Standards and Training (DPSST) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.3 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 department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with DPSST rules and regulations concerning law enforcement training.

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Support Captain. It is the responsibility of the Support Captain 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

Training

- Trauma-informed practices (ORS 181A.445)

203.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

(a) Federally mandated training:

1. National Incident Management System training

(b) State-mandated training:

1. Candidates hired for officer positions shall commence the basic training course within 90 days of employment. Such candidates shall complete the basic training course and the field training manual within 18 months of employment. The basic law enforcement training requirement may be waived if the candidate meets the criteria established by DPSST (OAR 259-008-0025).
2. During the three-year maintenance schedule, each officer shall (OAR 259-008-0065):
 - (a) Maintain adult and child CPR certification.
 - (b) Maintain first aid certification.
 - (c) Complete a minimum of 84 hours of City of Sherwood Police Department-approved training, which shall include:
 1. A minimum of 8 hours of firearms or use of force training annually.
 2. A minimum of 1 hour of ethics training annually.
 3. A minimum of 3 hours of mental health/crisis intervention training.
 4. A minimum of 2 hours of airway and circulatory anatomy and physiology training.
 5. A minimum of 3 hours of equity training as prescribed by DPSST.

203.4 TRAINING MANAGER

The Police Chief shall designate a Support Captain who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Support Captain should review the training plan annually.

203.5 TRAINING COMMITTEE

The Support Captain may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs of the Agency.

Training

The Training Committee should be composed of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Support Captain may remove or replace members of the committee at their discretion.

The Training Committee should 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 a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Agency as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Support Captain 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 Support Captain. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Support Captain will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Agency and available resources. Training recommendations as determined by the Support Captain shall be submitted to the command staff for review.

203.6 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled, shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training . and shall:
 -

Training

1. Document the member's absence in a memorandum to the member's supervisor.
2. Make arrangements through the member's supervisor and the Support Captain to attend the required training on an alternate date.

203.7 TRAINING COSTS

It is the responsibility of the Support Captain to determine when the City of Sherwood Police Department may be entitled for training reimbursements when an officer has completed any portion of basic training in the last 36 months and voluntarily leaves employment and is subsequently employed by a different law enforcement agency in a position that requires the same training. If it is determined to seek reimbursement for qualifying expenses, the requests shall comply with the provisions of ORS 181A.620.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the City of Sherwood 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 Support Captain.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Support Captain. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off 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.

Members 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. Members should not allow uncompleted DTBs to build up over time, and 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, members 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 those under their command to ensure compliance with this policy.

Training

203.9 TRAINING RECORDS

The Support Captain is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

Child Abuse

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when City of Sherwood Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

316.1.1 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.

316.2 POLICY

The City of Sherwood Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

316.3 MANDATORY NOTIFICATION

Members of the City of Sherwood 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 who is either (ORS 419B.005(2)):

- (a) Under 18 years of age.
- (b) A child in care as defined in ORS 418.257.

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 or to the unlawful manufacturing of a cannabinoid extract; 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) and OAR 413-015-0115.

316.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORS 419B.015; OAR 413-015-0305):

- (a) Verbal notification to DHS shall be made immediately to the Oregon Child Abuse Hotline when the officer determines that the report of alleged child abuse requires an immediate joint response.

Child Abuse

- (b) Verbal, electronic transmission, or hand-delivered notification to DHS of all other reports of child abuse 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.
 - 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 child abuse, including any evidence of previous abuse.
 - 5. The explanation given for the child abuse.
 - 6. Where the child abuse 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 child abuse and the identity and whereabouts of the perpetrator.
 - 9. The name and contact information for the assigned DHS worker and officer.

If the alleged child abuse occurred at a facility or was perpetrated by a person from a facility that requires a state license from the Department of Early Learning and Care (DELIC) (e.g., child care facility), notification and the outcome of the investigation shall also be reported to DELIC (ORS 419B.020).

If the alleged child abuse occurred in a school or was related to a school-sponsored activity, or amounts to sexual conduct under ORS 339.370, notification and the outcome of the investigation shall also be reported to the Department of Education (ORS 419B.020).

316.2 [Intentionally left blank.]

316.3 [Intentionally left blank.]

316.4 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

Child Abuse

(ORS 418.747).

Child Abuse

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, an officer 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:

- (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).

316.5.1 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 cause to be photographed any visible injuries or any injuries identified by the child if practicable, 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 maintained by the Agency 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

Child Abuse

officer shall ensure that the child is evaluated by an available physician, licensed physician assistant, or licensed nurse practitioner.

316.5.2 INVESTIGATIONS ON SCHOOL PREMISES

When an investigation of child abuse is conducted on school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator is a subject of the investigation. The investigator shall present identification to school staff members. The investigator is not required to reveal information about the investigation to the school as a condition of conducting 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 suspected victim, the investigating officer should inquire whether the child has any disabilities that may affect the interview process. These provisions apply to an investigation that involves an interview with the suspected victim of abuse or witnesses and not to investigations or interviews of a person suspected of having committed the abuse (ORS 419B.045).

316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from the child's 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 the child's 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 there is reasonable cause to believe any of the following:
 - 1. An imminent threat of severe harm to the child exists
 - 2. The child poses an imminent threat of severe harm to self or others
 - 3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists
- (b) When the juvenile court has issued a valid order that the child is to be taken into protective custody

Child Abuse

316.6.1 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).

316.6.2 SAFE HAVEN PROVISION

A parent may leave an infant who is not more than 60 days old at an authorized facility, including this department, as long as the child displays no signs of abuse (ORS 418.017).

When an infant is surrendered to this department, members of the City of Sherwood Police Department shall follow the provisions set forth in ORS 418.017.

316.7 INTERVIEWS

Interviews should be conducted as follows;

316.7.1 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.

316.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not involuntarily detain a child 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.

Child Abuse

316.8 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.

316.9 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.

316.9.1 SUPERVISOR RESPONSIBILITIES

The 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 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.

316.9.2 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 Investigation Unit supervisor so an interagency response can begin.

316.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

Child Abuse

316.10.1 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).

Information may be shared to the appropriate military authorities regarding a child who is the subject of a report of child abuse when the parent or guardian of the child is in the military (ORS 419B.015).

316.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL

The 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).

316.10.3 CHILD FATALITY REVIEW TEAMS

This department should cooperate with any child fatality review team and investigation (ORS 418.785).

316.10.4 DISPOSITION OF INVESTIGATION

Each investigation of child abuse shall be concluded with one of the following dispositions (ORS 419B.026):

- Founded
- Unfounded
- Undetermined

If the investigation determines that the child abuse allegations were founded, the investigating officer shall notify DHS by making an oral report and a written report pursuant to DHS protocols (ORS 419B.020).

316.11 TRAINING

The Agency 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.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Victim and Witness Assistance

321.1 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.

321.2 POLICY

The City of Sherwood Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the City of Sherwood 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.

321.3 CRIME VICTIM LIAISON

The Police Chief may appoint a member of the Agency 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 City of Sherwood 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.

321.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Providing oral or written notice to crime victims of the Oregon Crime Victim Bill of Rights. This may be accomplished by providing the information in victim handouts or providing the notice electronically (ORS 147.417).
- (b) Sexual assault investigations (ORS 181A.325):
 - 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, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

Victim and Witness Assistance

321.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

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.

321.4.1 VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in ORS 147.425, have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

321.5 VICTIM INFORMATION

The Administration Section Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) 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.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) 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.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.
- (k) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking, bias crimes, or human trafficking (ORS 192.826).

Victim and Witness Assistance

- (l) Oregon Crime Victim Bill of Rights (ORS 147.417).
- (m) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).
 - 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.
- (n) The hate crimes telephone hotline for assisting the victims of bias crimes and bias incidents (ORS 147.380).

321.6 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.

Death Investigation

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

332.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Support Section Section Commander as necessary. The Shift Supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

332.2.1 MEDICAL EXAMINER REQUEST

Officers are not authorized to pronounce death unless they are also Medical Examiners, Deputy Medical Examiners, or appointed Medical Examiner investigators. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner be notified immediately of any death (ORS146.090; ORS 146.100):

- (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.

Death Investigation

- (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.

332.2.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

332.2.2 SEARCHING DEAD BODIES

- (a) The Medical Examiner, their assistant, and authorized investigators are generally the only persons permitted to move, handle, or search a dead body (ORS 146.103).
- (b) An officer shall make a reasonable search of an individual who it is reasonable to believe is dead or near death for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or their assistant shall be promptly notified, or, if the individual was taken to a hospital, the officer must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970).
- (c) The Medical Examiner, with the permission of the Agency, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (ORS 146.103).
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or their assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or their assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain
- (f) nearby the scene
- (a) and available to the officer pending the arrival of the Medical Examiner or their assistant. The name and address of this person shall be included in the narrative of the death report.

Death Investigation

- (b) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or their assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

332.2.3 [Intentionally left blank].

332.2.4 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

332.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigation Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Supervisor or Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

Death Investigation

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

332.2.6 DRUG OVERDOSE CASES-LEN BIAS INVESTIGATIONS

On any case where the initially assigned and responding officer suspects that the death involves the overdose and/or use of controlled substances, they shall immediately notify their supervisor or a Section Captain.

On any death investigation involving a drug overdose, the Westside Interagency Narcotics Team (WIN) will be notified to triage the case. If warranted, narcotics investigators will be called to assist in the investigation.

The WIN supervisor will be the first point of contact on these types of cases. Requests will be made to the on-call WIN Sergeant who will coordinate with the on-scene supervisor and triage the case. If it is determined that the incident meets the criteria for WIN assistance, the Washington County Major Crimes Team may be called to assist, and an investigator from this agency will be assigned.

332.2 POLICY

It is the policy of the City of Sherwood Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

332.3 [Intentionally left blank.]

332.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

332.5 DEATH NOTIFICATION

When reasonably practicable, 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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Mobile Audio Video

419.1 PURPOSE AND SCOPE

The City of Sherwood Police Department may equip marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the City of Sherwood Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

419.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Agency any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only City of Sherwood Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Mobile Audio Video

419.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record. Whenever the audio portion is activated, officers should, whenever possible, advise all persons present that they are being recorded (ORS 165.540).

419.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DUII investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons

Mobile Audio Video

- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

419.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

419.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Police Chief or the authorized designee for the purpose of conducting a criminal or administrative investigation.

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the MAV system media.
 - 2. The date it was issued.
 - 3. The law enforcement operator or the vehicle to which it was issued.
 - 4. The date it was submitted.
 - 5. Law enforcement operators submitting the media.
 - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as

Mobile Audio Video

evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

419.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Agency. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of conduct
- (c) By a supervisor to assess performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Police Chief or the authorized designee
- (i) By the media through proper process or with permission of the Police Chief or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

Mobile Audio Video

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

419.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

419.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

419.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Police Chief or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

419.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the City of Sherwood Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

419.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

Mobile Audio Video

- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

419.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

419.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Portable Audio/Video Recorders

421.1 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 (ORS 133.741).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any City of Sherwood Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

421.2 POLICY

The City of Sherwood 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 Agency by accurately capturing contacts between members of the Agency and the public.

421.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in their official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Agency. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

421.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Agency, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

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. Unless

Portable

conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, SPD identification 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.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

421.5 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:

- (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 Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Unless there are exigent circumstances or concerns for the safety of the member or any other person, body-worn cameras shall be activated whenever the officer has or develops reasonable suspicion or probable cause that an offense has been or will be committed by a person in contact with the member (ORS 133.741).

Members shall notify all parties to the conversation that a recording is being made unless authorized to forgo notice by a court order or the limited exceptions in ORS 165.540 and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endanger 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

Portable

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 their 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 reasonably practicable.

421.5.1 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 Police Chief or the authorized designee.

421.5.2 CESSATION OF RECORDING

Once activated, the body-worn camera should remain on continuously until the member reasonably believes that his/her 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.

421.5.3 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.

421.6 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.

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 recordings shall be retained at the Agency or by any department-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. 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, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Portable

421.6.1 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Recordings from body-worn cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

421.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

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.

421.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). 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 Agency who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (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 Police Chief or the authorized designee.

Portable

- (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.

421.9 COORDINATOR

The Police Chief or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

421.10 RETENTION OF RECORDINGS

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.

Recordings made from body-worn cameras no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741).

421.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

421.10.2 STORAGE OF DATA BY VENDORS

Any contract with a third-party vendor for data storage of recordings from body-worn cameras must state that all recordings are the property of the City of Sherwood Police Department, not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the City of Sherwood Police Department (ORS 133.741).

Medical Marijuana

422.1 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 (ORS 475C.770 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Attending provider - A health care provider as defined by ORS 475C.777 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

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 the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a person's attending provider; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS 475C.777; ORS 475C.791; ORS 475C.786).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed and any other activities identified by the Oregon Department of Agriculture (ODA) by rule (ORS 571.269).

Medical use of marijuana - The production, processing, possession, delivery, or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition (ORS 475C.777)

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by the person's attending provider that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS

Medical Marijuana

475C.889). This includes a person who has been issued a valid RIC for their medical condition (ORS 475C.783).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475C.789, the person's designated primary caregiver (ORS 475C.777). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475C.792.

Statutory possession and grow site amounts - Amounts authorized by ORS 475C.806 and ORS 475C.809.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS 475C.777).

422.2 POLICY

It is the policy of the City of Sherwood 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 475C.770). 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 City of Sherwood 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 Agency.

422.3 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.

422.3.1 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.

Medical Marijuana

422.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Officers shall not take enforcement action against a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession or grow site amounts (ORS 475C.883).

Cardholders are required to carry their RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475C.812). However, officers should treat a person without a RIC in their possession as if it were in their possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

422.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not take enforcement action against a patient who does not have a RIC for possession, delivery, or production of marijuana, or any other criminal offense in which possession, delivery, or production of marijuana is an element, if the patient meets all of the following (ORS 475C.889):

- (a) Is engaged in the medical use of marijuana
- (b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Officers should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession or grow site amounts; and the person's medical use claim appears genuine under the circumstances (ORS 475C.889).

422.3.4 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 manner (ORS 475C.792):
 - 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) An officer who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of plants (ORS 475C.806).
- (c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, officers may

Medical Marijuana

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.
 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites, officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor and Cannabis Commission (ORS 475C.137; ORS 475C.806).
- (e) Registration or proof of registration under ORS 475C.770 to ORS 475C.919 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475C.894).
- (f) As a licensing authority, the Oregon Liquor and Cannabis Commission may assist with related questions regarding recreational marijuana (ORS 475C.065).

422.3.5 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 475C.886):

- (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, 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 to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If an officer knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS 475C.005 to ORS 475C.525), the officer shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS 475C.413).

Medical Marijuana

422.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be licensed with the ODA to grow or handle industrial hemp or produce agricultural hemp seed. Growers and handlers who produce seed products incapable of germination are not required to be licensed with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

422.4 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.

422.5 PROPERTY AND EVIDENCE SUPERVISOR RESPONSIBILITIES

The Property and Evidence 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. The Property and Evidence supervisor is not responsible for caring for live marijuana plants (ORS 475C.894).

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence supervisor shall immediately return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property (ORS 475C.894).

The Property and Evidence supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence of intoxicants (DUII).

504.1.1 DEFINITIONS

Definitions related to this policy include:

Intoxicants - Intoxicating liquor, controlled substances, inhalants, cannabis, psilocybin, and any drug as defined in ORS 475.005 that, when used alone or in combination with any other intoxicant, adversely affects an individual's mental or physical faculties to a noticeable or perceptible degree (2023 Oregon Laws, c. 498, § 2).

504.2 POLICY

The City of Sherwood Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUII laws to the exclusion of their other duties unless specifically assigned to DUII enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Captain will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUII investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Oregon or another jurisdiction.

Impaired Driving

504.4 FIELD TESTS

The Patrol Captain should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUII laws.

504.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

- (a) The arresting officer has reasonable grounds to believe that the person was DUII.
- (b) The person is arrested for DUII and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).
- (c) The person is arrested for DUII and was involved in an accident resulting in injury or property damage (ORS 813.131).
- (d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was DUII.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Patrol Captain should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Captain.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability

Impaired Driving

to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.4 STATUTORY NOTIFICATIONS

Prior to administering any tests, the person shall be informed of the rights and consequences for DUII and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

504.5.5 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES

An officer may not request that a person submit to a urine test unless the officer is certified by the Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

504.5.6 ADDITIONAL TESTING

An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, psilocybin, a controlled substance, or an inhalant in the person's body is an issue (ORS 813.150).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).
- (b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

Impaired Driving

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (ORS 813.100).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when legal and practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

Impaired Driving

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in their blood, the investigating officer shall cause the following items to be forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The completed Implied Consent Form
- Any confiscated license or permit belonging to the person
- A copy of the written report that complies with ORS 813.120

An officer confiscating a person's license pursuant to state DUI laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked, or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

504.7.2 OFFENSE FOR REFUSAL

If a person refuses to submit to a breath or urine test, the arresting officer may charge the person with a separate offense (ORS 813.095).

504.8 RECORDS SECTION RESPONSIBILITIES

The Support Captain will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Support Captain will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

Impaired Driving

504.10 TRAINING

The Support Captain should ensure that officers participating in the enforcement of DUII laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques, and rules of evidence pertaining to DUII investigations. The Support Captain should confer with the prosecuting attorney's office and update training topics as needed.

Investigation and Prosecution

600.1 POLICY

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

600.2 INITIAL INVESTIGATION

600.2.1 OFFICER RESPONSIBILITIES

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

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

600.2.2 CIVILIAN NON SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.2.3 INTERVIEWS OF CHILD WITNESSES

Investigation and Prosecution

The Support Section Commander, or the authorized designee, is responsible for the development of child witness interview procedures that include parental notification and account for child safety. For purposes of this subsection, a child witness is an unmarried person who is under the age of 18 and who is not the victim of, suspect in, or related to, the suspect in a child welfare, criminal, or delinquency investigation (2021 Oregon Laws, c335).

600.2.4 INTERVIEW OF A CHILD SUSPECT

A. Interviewing Juveniles

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

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

b. The officer should take into consideration the juvenile's age, intelligence, experience, education, background, recent drug and alcohol use, sleep deprivation and whether the juvenile has the competency to understand the Miranda warnings and/or the consequences of waiving these constitutional rights.

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

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

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

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

g. The officer should not intentionally use information known by the officer to be false to elicit a statement from the juvenile. Pursuant to SB418 (2021), a statement made by a juvenile in connection with a misdemeanor or felony will be "presumed to be involuntary if the court determines that the peace officer intentionally used information known by the officer to be false to elicit the statement".

2. If, at any time during the interview, the juvenile asks to speak with his/her parent or guardian before answering questions, the officer should discontinue questioning until the juvenile has been given the opportunity. Unless the juvenile specifically invokes the right to remain silent, the officer may continue questioning after a parental consultation, but should give advice of rights again before resuming the questioning. The officer should take care that the parent is not asked to be an agent of the police during the parental consultation.

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

4. In order to minimize disruption at school and in cooperation with school officials, officers who interview or arrest a student at school should comply with procedures established by the school district involved, so long as those procedures do not conflict with law enforcement's statutory

Investigation and Prosecution

authority. Officers shall insure parental notification is made within a reasonable amount of time when a child is interviewed as a suspect in a criminal investigation. This notification can be made before or after the interview, depending on the circumstances surrounding the investigation.

5. Pursuant to SB386 (2021), unless the child's safety would be compromised, officers who interview a child as a witness (not a victim or suspect) to a child welfare, criminal or delinquency investigation, are required to notify the child's parent of the interview. "Child witness means an unmarried person who is under 18 years of age and who is not the victim of, the suspect in, or related to, the suspect in a child welfare, criminal or delinquency investigation".

6. ORS 419B.028 (part of Karly's Law), requires the immediate photographing of suspicious physical injuries. Any conversation with the child being photographed should consist of just a few questions, or fit within the above listed criteria so as not to become an unreasonable seizure.

600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

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

600.4 INVESTIGATIVE PROCEDURES

The Support Section Commander or the authorized designee is responsible for the development of investigative procedures including:

- (a) Guidance for interacting with persons who have experienced trauma consistent with the Substance Abuse and Mental Health Services Administration's (SAMHSA) trauma-informed principles adopted by DPSST (ORS 181A.445).
 - 1. Procedures should include interview techniques and considerations to take into account when writing reports based upon interviews with persons who have experienced trauma.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

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

600.5.1 AUDIO/VIDEO RECORDINGS

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

Investigation and Prosecution

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

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

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

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

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

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

600.6 PURPOSE AND SCOPE

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

600.7 DISCONTINUATION OF INVESTIGATIONS

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

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

Investigation and Prosecution

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

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

600.8 COMPUTERS AND DIGITAL EVIDENCE

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

600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

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

Investigation and Prosecution

600.9.1 ACCESS RESTRICTIONS

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

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

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

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

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

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION

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

600.10 MODIFICATION OF CHARGES FILED

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

600.11 SECTION TITLE

600.12 SECTION TITLE

600.13 SECTION TITLE

600.14 SECTION TITLE

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

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

1000.2 POLICY

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

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

1000.2.1 SELECTION

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

The recruitment and selection process for police officers will ensure that the applicant meets the standards and is tested as required by the Oregon Department of Public Safety and Training, (Oregon Administrative Rules, Chapter 259-008.) The initial phase of the selection process will determine whether the applicant meets the minimum qualifications as set forth in the job description. A formal job description will be established for every position within the agency, and will be periodically reviewed and updated. The City of Sherwood Human Resources Manager will maintain current and accurate job descriptions that include required duties and responsibilities for all positions within the Sherwood Police Department. The subsequent phases of the process will progressively eliminate unsuitable candidates and advance the most qualified applicants; who must successfully complete the following:

- Oregon Physical Abilities Test
- National Police Officer Selection Test

Recruitment and Selection

- Panel interviews
- Submission of a background packet, Personal History Questionnaire, and California Personality Inventory
- Initial non-medical assessment of the Personal History Questionnaire
- Submission of inked fingerprints for criminal records check
- Interview by command staff
- Conditional job offer
- Background investigation
- Review of background investigation
- Psychological assessment
- Medical test
- Appointment

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

1000.3 RECRUITMENT

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

The strategy should include:

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

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

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

Recruitment and Selection

1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
 - 1. The personnel records of any applicant for officer or reserve officer shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (ORS 181A.667).
 - 2. Employment information from another law enforcement agency is confidential and may not be disclosed except as provided in ORS 192.355. The information received may only be used for investigative leads and shall be independently verified (ORS 181A.668).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320
- (g) Local, state, and federal criminal history record checks
- (h) Medical and psychological examination (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

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

1000.5 BACKGROUND INVESTIGATION

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

Recruitment and Selection

1000.5.1 NOTICES

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

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Section Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

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

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

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

1000.5.3 DOCUMENTING AND REPORTING

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

1000.5.4 RECORDS RETENTION

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

1000.5.5 STATE NOTICES

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

1000.6 DISQUALIFICATION GUIDELINES

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

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior

Recruitment and Selection

- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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

1000.7 EMPLOYMENT STANDARDS

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

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

1000.7.1 STANDARDS FOR OFFICERS

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

- (a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date
- (b) Be at least 21 years of age
- (c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment
- (d) Be free of convictions for any of the following:
 1. Any felony
 2. Any offense for which the maximum term of imprisonment is more than one year
 3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
 4. Any offense that would subject the candidate to a denial or revocation of a peace officer license
- (e) Meet the moral fitness standards

Recruitment and Selection

- (f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree
- (g) Complete a medical examination
- (h) Meet the physical standards requirements
- (i) Complete a psychological screening (ORS 181A.485)
- (j) Complete a law enforcement skills proficiency test

1000.7.2 STANDARDS FOR DISPATCHERS

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

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

1000.8 PROBATIONARY PERIODS

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

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

Sick Leave

1008.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement (ORS 653.606; ORS 653.611).

This policy is not intended to cover all types of sick or other leaves. For example, employees may 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) and the Oregon Family Leave Act, or leave related to protections because of domestic violence, harassment, sexual assault, bias crimes, or stalking (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

1008.2 POLICY

It is the policy of the City of Sherwood Police Department to provide eligible employees with a sick leave benefit.

1008.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ORS 653.616; OAR 839-007-0020).

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

1008.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Agency with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the Agency (ORS 653.621; OAR 839-007-0040).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Sick Leave

1008.4 SUPERVISOR RESPONSIBILITIES

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

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Manager as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1008.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (ORS 653.626; OAR 839-007-0045).

Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days (ORS 653.626; OAR 839-007-0045).

When a verification from a health care provider is required, the Agency shall pay reasonable costs, including lost wages, associated with obtaining the verification that are not paid under the member's health benefit plan (ORS 653.626).

1008.6 REQUIRED NOTICES

The Human Resources Manager shall ensure that each employee is provided written notice of the following (ORS 653.631; OAR 839-007-0050):

- (a) Accrued and unused sick time available at least quarterly.
- (b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

Employee Speech, Expression and Social Networking

1032.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Agency (ORS 181A.689).

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1032.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the world wide web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1032.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City of Sherwood Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1032.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the City of Sherwood Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or

Employee Speech, Expression and Social Networking

associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1032.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the City of Sherwood Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City of Sherwood Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the City of Sherwood Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Agency. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Criminal Justice Code of Ethics as adopted by the City of Sherwood Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Agency for financial or personal gain, or any disclosure of such materials without the express

Employee Speech, Expression and Social Networking

authorization of the Police Chief or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the City of Sherwood Police Department on any personal or social networking or other website or web page, without the express authorization of the Police Chief.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1032.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the City of Sherwood Police Department or identify themselves in any way that could be reasonably perceived as representing the City of Sherwood Police Department in order to do any of the following, unless specifically authorized by the Police Chief:

- (a) Endorse, support, oppose, or contradict any appointment, nomination, or election of a person to public office (ORS 260.432).
- (b) Endorse, support, oppose, or contradict any initiative, recall petition, or referendum (ORS 260.432).
- (c) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (d) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (e) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, public broadcast, or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City of Sherwood Police Department.

Employee Speech, Expression and Social Networking

A notice of restrictions on political activities by employees will be posted and maintained by the Agency in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1032.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Instagram, Twitter) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Police Chief or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Agency.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

1032.7 TRAINING

Subject to available resources, the Agency should provide training regarding employee speech and the use of social networking to all members of the Agency.

Line-of-Duty Deaths

1035.1 PURPOSE AND SCOPE

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

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

1035.1.1 DEFINITIONS

Definitions related to this policy include:

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

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

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

1035.2 POLICY

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

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1035.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and Dispatch.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

Line-of-Duty Deaths

- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Police Chief or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Agency Liaison as soon as practicable (see the Notifying Survivors section and the Agency Liaison and Hospital Liaison subsections in this policy).

1035.4 NOTIFYING SURVIVORS

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

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

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

Notifying members should:

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

Line-of-Duty Deaths

timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Agency Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Agency Liaison.
- (m) Inform the Police Chief or the authorized designee once survivor notifications have been made so that other City of Sherwood Police Department members may be apprised that survivor notifications are complete.

1035.4.1 OUT-OF-AREA NOTIFICATIONS

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

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

1035.5 NOTIFYING AGENCY MEMBERS

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

Line-of-Duty Deaths

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

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

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

1035.6 LIAISONS AND COORDINATORS

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

- (a) Agency Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Agency Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Agency Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Agency should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1035.6.1 AGENCY LIAISON

The Agency Liaison should be a Section Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Agency. The Agency Liaison reports directly to the Police Chief. The Agency Liaison's responsibilities include but are not limited to:

Line-of-Duty Deaths

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1035.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Agency members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or City of Sherwood Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.

Line-of-Duty Deaths

- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Agency, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include –but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1035.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Agency Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Section Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

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

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Agency Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Agency and the hospital to the survivors. The following should be considered when returning the personal effects:

Line-of-Duty Deaths

1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Agency recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Agency to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

Line-of-Duty Deaths

1035.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1035.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Agency Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Agency, including but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler

Line-of-Duty Deaths

3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Police Chief and command staff concerning funeral arrangements.
 - (e) Assigning an officer to remain at the family home during the viewing and funeral.
 - (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
 - (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1035.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Agency Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many City of Sherwood Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Police Chief should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1035.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 1. Public Safety
 2. Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 3. Social Security Administration.

Line-of-Duty Deaths

4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 1. Public Safety Memorial Fund (ORS 243.950 et seq.)
 2. Education benefit (ORS 348.270)
 3. Life insurance (ORS 243.025)
 4. Death benefit (ORS 238.395; ORS 238A.230)
 - (d) Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
 - (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
 - (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
 - (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
 - (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1035.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Police Chief and the Agency Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

Line-of-Duty Deaths

- (d) Providing accounting and cost information as needed.

1035.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Agency Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the --
 - a. Agency and deceased member's survivors.
- (d) Arrange for community and media briefings by the Police Chief or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1035.8 AGENCY CHAPLAIN

The Agency chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

Line-of-Duty Deaths

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1035.9 INVESTIGATION OF THE INCIDENT

The Police Chief should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1035.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Police Chief may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1035.11 NON-LINE-OF-DUTY DEATH

The Police Chief may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1036.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members (ORS 181A.487).

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1036.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1036.2 POLICY

It is the policy of the City of Sherwood Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Agency will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1036.3 WELLNESS COORDINATOR

The Police Chief should appoint a trained wellness coordinator. The coordinator should report directly to the Police Chief or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

Wellness Program

2. When practicable, the Agency should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 1. Peer support member selection and retention.
 2. Training and applicable certification requirements.
 3. Deployment.
 4. Managing potential conflicts between peer support members and those seeking service.
 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 1. Defining the types of incidents that may initiate debriefings.
 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 1. Obtaining a written description of the program services.
 2. Providing for the methods to obtain program services.
 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
 1. The coordinator should work with appropriate Agency liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

Wellness Program

1036.4 AGENCY PEER SUPPORT

1036.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1036.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1036.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member shall complete department-approved training prior to being assigned (ORS 181A.835).

1036.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

Wellness Program

1036.6 PEER SUPPORT COMMUNICATIONS

Any communications made by a member or peer support member in a peer support counseling session and any oral or written information conveyed in the session are confidential and may only be disclosed in accordance with ORS 181A.835.

Any communications relating to a peer support counseling session made between peer support members or between peer support members and the supervisors or staff of an employee assistance program are confidential and may only be disclosed in accordance with ORS 181A.835.

All communications, notes, records, and reports arising out of a peer support counseling session are not considered public records subject to disclosure under ORS 192.311 et seq. (ORS 181A.835).

1036.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including to following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for physical fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1036.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

Wellness Program

The coordinator should present the completed audit to the Police Chief for review and consideration of updates to improve program effectiveness.

1036.9 TRAINING

The coordinator or the authorized designee should collaborate with the Support Captain to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Support Captain as appropriate for inclusion in training records.

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Craig Sheldon, City Manager Pro Tem
Through: Michelle Teed, Deputy City Attorney

SUBJECT: Resolution 2024-022, Authorizing the City Manager to Enter into an Intergovernmental Agreement with Washington County and the cities of Tigard and Tualatin relating to funding for a Homeless Services System City Liaison and Homeless Services Capital Projects

Issue:

Shall the City Council approve Resolution 2024-022, authorizing the City Manager to enter into an Intergovernmental Agreement with Washington County and the cities of Tigard and Tualatin relating to funding for a Homeless Services System City Liaison and Homeless Services Capital Projects?

Background:

In May 2020, Metro voters passed the Supportive Housing Services measure to fund both shelter and wraparound services for the Metro area homeless population. Washington County received funding for the unincorporated county and its incorporated cities, including Sherwood.

To address capacity issues and provide for more coordination and action on homelessness between the county and cities, Washington County has agreed to fund several Homeless Services System City Liaison positions. Currently, positions are moving forward for the cities of Hillsboro and Beaverton as well as a single position shared by Tualatin, Tigard, and Sherwood. In addition, the agreement could serve as the conduit for additional funding for capital projects. However, at this time, there are no immediate plans to use this agreement to fund capital projects in Tualatin, Tigard, or Sherwood.

The general role of the position is to support coordination of services, provide clear information about homelessness and the service system, and help to identify local issues that can be resolved between parties through coordination. Tigard will be the position's employer and is responsible for the overall assignment of the position. The position will be dedicated to Sherwood and Tualatin equally approximately 25% of their time, with 50% allocation to the city of Tigard.

Approval of the resolution will allow the City to enter into an agreement with Washington County, and the cities of Tigard and Tualatin. If all parties sign the intergovernmental agreement, the city of Tigard will invoice Washington County and begin recruiting for the liaison position. Tigard has classified the position as a "Program Coordinator" and Sherwood and Tualatin staff will be engaged in the hiring process and eventually provide direction to the position as it pertains to our respective organizations.

Financial Impacts:

There are no direct financial impacts to Sherwood resulting from the approval of this resolution. Washington County will fund the city of Tigard \$200,000 per fiscal year for the first three years of the agreement. After the initial term, the annual funding amount will be renegotiated by mutual agreement in subsequent years. Washington County is funding this agreement from their share of Metro's Supportive Housing Services measure.

Recommendation:

Staff respectfully recommends adoption of Resolution 2024-022, Authorizing the City Manager to enter into an Intergovernmental Agreement with Washington County and the cities of Tigard and Tualatin relating to funding for a Homeless Services System City Liaison and Homeless Services Capital Projects.



RESOLUTION 2024-022

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY, AND THE CITIES OF TIGARD AND TUALATIN RELATING TO FUNDING FOR A HOMELESS SERVICES SYSTEM CITY LIAISON AND HOMELESS SERVICES CAPITAL PROJECTS

WHEREAS, ORS 190.010 authorizes units of local government to enter into agreements with each other to perform the functions and activities that each party has authority to perform; and

WHEREAS, Washington County is the recipient of Metro's Supportive Housing Services (SHS) funding for the unincorporated county and its incorporated cities, including Tualatin, Tigard, and Sherwood; and

WHEREAS, Washington County and its cities are embracing an opportunity to create a more clear and official structure for coordination and action on homelessness. This agreement between Washington County, Tualatin, and Tigard, is intended to more clearly define roles and responsibilities to support the program; and

WHEREAS, the goal of this agreement is to support continued partnership between Tualatin, Tigard, and Washington County in addressing homelessness issues generally, and to coordinate in support of the strategies and homeless service system provided by community-based organizations, funded by the Washington County Division of Homeless Services, and delivered in the cities; and

WHEREAS, this agreement is intended to provide funding to the cities for a Homeless Services System City Liaison staff position housed within the city of Tigard, and the coordination work related to this role; and

WHEREAS, this agreement may also provide funding for homeless services capital projects in the cities and funding for staff coordination to support these capital projects;

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

Section 1. The City Council hereby authorizes the City Manager to enter into an Intergovernmental Agreement with Washington County, and the cities of Tualatin and Tigard, attached hereto as Exhibit A.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 2nd day of April 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN
WASHINGTON COUNTY AND
the CITIES OF TIGARD, TUALATIN, and SHERWOOD**

This Agreement ("Agreement") is made by and between Washington County, a political subdivision of the State of Oregon ("County"), and the Cities of Tigard, Tualatin, and Sherwood, each a municipal corporation, relating to funding for a Homeless Services System City Liaison and funding for homeless services capital projects. The County or each city shall be individually referred to by name or collectively as the "Cities" or jointly as the "Parties" as appropriate.

RECITALS

WHEREAS, ORS 190.010 authorizes units of local government to enter into agreements with each other to perform the functions and activities that each party has authority to perform; and

WHEREAS, in May 2020, voters within the Metropolitan Service District ("Metro") passed a measure to fund both shelter and wraparound services for the Metro area homeless population. The purpose of the Supportive Housing Services (SHS) measure was to provide a funding mechanism to enable the provision of wraparound services through local government programs. County is the recipient of Metro SHS funding for the unincorporated county and its incorporated cities, including Tigard, Tualatin, and Sherwood; and

WHEREAS, County and its cities are embracing an opportunity to create a more clear and official structure for coordination and action on homelessness. This agreement between the County and partnering city jurisdictions is intended to more clearly define roles and responsibilities to support program alignment and strategies that are working to make homelessness rare and brief in each of our cities, and across the entire county; and

WHEREAS, County's Department of Housing Services serves as the County's Continuum of Care lead agency and is the sole recipient of regional tax funding for supportive housing services. However, city jurisdictions must navigate the challenges of homelessness through their provision of city services such as libraries, law enforcement, economic development, and neighbor relations daily. Cities receive little to no external funding to support these daily challenges and do not have a clear role in the provision of homeless services; and

WHEREAS, the goal of this agreement is to support continued partnership between the Cities and County in addressing homelessness issues generally, and to

coordinate in support of the strategies and homeless service system provided by community-based organizations, funded by the Washington County Division of Homeless Services, and delivered in the Cities; and

WHEREAS, the County provides a coordinated system of services delivered through 20+ contracted services providers, and in order to support and enhance coordination of local issues related to homelessness, and homeless services provided across the County, this agreement is intended to provide funding to the Cities for a Homeless Services System City Liaison staff position, and the coordination work related to this role; and

WHEREAS, this agreement is intended to provide the Cities with staffing capacity to work with County staff, and service providers in their jurisdiction, to ensure effective response and coordination in the provision of homeless services. This agreement does not pass funds for service provision through the City of Tigard to manage with third-party service providers; and

WHEREAS, this agreement may also provide funding for homeless services capital projects in the Cities and funding for staff coordination to support these capital projects;

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. START AND END DATES.

This Agreement shall be effective when signed by all Parties and shall remain in effect for as long as SHS funding is available unless terminated earlier pursuant to Section 8 or extended further pursuant to Section 9.

2. AGREEMENT DOCUMENTS.

This Agreement consists of this document and the following exhibit, which is attached and incorporated:

- Exhibit A: Scope of Work

3. RESPONSIBILITIES OF THE PARTIES.

- 3.1. The Cities' Responsibilities: As set forth in Exhibit A, the Cities will use the money to fund an FTE staff liaison position and for associated costs, and for capital project funding.
- 3.2. County Responsibilities: As set forth in Exhibit A, County will assist the Cities with funding for an FTE staff liaison position and associated costs, and for potential capital project funding.

4. APPROPRIATIONS CLAUSE.

The obligations of the Parties are subject to appropriations by their respective governing bodies.

5. COMPLIANCE WITH APPLICABLE LAWS.

Each party shall comply with all applicable federal, state, and local laws, and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or handicap. In addition, each party agrees to comply with all local, state, and federal ordinances, statutes, laws, and regulations that are applicable to the services provided under this Agreement.

6. RECITALS.

The recitals above are incorporated herein as if fully set forth.

7. INDEPENDENT CONTRACTOR.

Each party is an independent contractor with regard to each other party and agrees that except as provided in Exhibit A, the performing party has no control over the work or the manner in which it is performed. Nothing herein is intended, nor shall it be construed, to create between the parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each party hereby specifically disclaims any such relationship.

8. TERMINATION.

8.1. Termination for convenience. Washington County may terminate this Agreement, with or without cause and at any time, by providing six (6) months' written notice of intent to terminate to the other parties. The Cities of Sherwood, Tigard, and Tualatin, may each withdraw from this Agreement, with or without cause and at any time, by providing six (6) months' written notice of intent to withdraw to the other parties. If the City of Tigard provides a notice of intent to withdraw, the remaining parties will negotiate the possible assumption of the City of Tigard's responsibilities under this Agreement by another city.

8.2. Mutual Termination. This Agreement may be terminated immediately by mutual written agreement of all of the parties.

8.3. Termination for cause. Washington County may terminate this Agreement by reason of a default by any of the other parties, provided the procedures in this Section 8.3 have been followed. The Cities of Sherwood, Tigard, and Tualatin may each withdraw from this Agreement by reason of a default by any of the other parties. A

party is in default if it fails to fully abide by any of the terms of this Agreement. The terminating or withdrawing party, as applicable, shall provide the defaulting party with written notice of the event of default. The defaulting party shall have thirty (30) days to cure the default. Notwithstanding the foregoing, if the event causing default cannot be cured within the 30-day period, then the defaulting party shall not be in default if it commences good faith efforts to cure within the 30-day period, demonstrates continuous efforts to cure the event of default satisfactory to the other parties, and, within a reasonable period not to exceed one hundred eighty (180) days after the event of default, completes the cure of such event. If the City of Tigard provides a notice of intent to withdraw, the remaining parties will negotiate the possible assumption of the City of Tigard's responsibilities under this Agreement by another city.

9. AMENDMENTS.

Modifications to this Agreement are valid only if made in writing and signed by all parties. Notwithstanding the foregoing, the cities' respective city managers and the county administrator are granted authority to execute binding amendments to this Agreement to extend the term and to negotiate compensation commensurate with any such extension.

10. INDEMNIFICATION.

Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including their officers, agents, and employees, against all claims, demands, penalties, actions and suits (including the cost of defense thereof and all attorney fees and costs, through all appeals) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the acts or omissions of that party or its officers, employees, volunteers or agents, including any contractors hired or used by the indemnitor.

11. ACTION, SUITS, OR CLAIMS.

Each party shall give the others immediate written notice of any action or suit filed or any claim made against that party that may result in claims or litigation in any way related to this Agreement.

12. INSURANCE.

Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 to 30.274.

13. NO THIRD-PARTY BENEFICIARIES.

This Agreement is between the parties and creates no third-party beneficiaries. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless such third parties are expressly described as intended to be beneficiaries of its terms.

14. REMEDIES, NON-WAIVER.

The remedies provided under this Agreement shall not be exclusive. The parties shall also be entitled to any other equitable and legal remedies that are available. No waiver, consent, modification or change of terms of this Agreement shall bind the parties unless in writing and signed by all parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of a party to enforce any provision of this Agreement shall not constitute a waiver by a party of that or any other provision.

15. OREGON LAW, DISPUTE RESOLUTION AND FORUM.

This Agreement shall be construed according to the laws of the State of Oregon. The parties shall negotiate in good faith to resolve any dispute arising out of this Agreement. The parties shall attempt to informally resolve any dispute concerning any party's performance of the terms of this Agreement, or regarding the terms, conditions, or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate the resolution of a dispute. This Section is not intended to limit or restrict the use by a party of any remedies set forth in Section 14.

If the parties are unable to resolve any dispute within twenty-one (21) calendar days, the parties are free to pursue any legal remedies that may be available. Any litigation between the parties arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Washington County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.

16. ASSIGNMENT.

No party shall assign its rights or obligations under this Agreement, in whole or in part, without the prior written approval of the other party or parties.

17. SEVERABILITY/SURVIVAL OF TERMS.

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken. All provisions concerning indemnity survive the termination of this Agreement for any cause.

18. FORCE MAJEURE.

In addition to the specific provisions of this Agreement, performance by any Party shall not be in default where delay or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the Party to be excused.

19. INTERPRETATION OF AGREEMENT.

This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision. The Section headings contained in this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.

20. INTEGRATION.

This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations, or communications of every kind on the subject.

21. OTHER NECESSARY ACTS.

The Parties shall execute and deliver to each other any and all further instruments and documents as may be reasonably necessary to carry out this Agreement.

22. NOTICE.

Except as otherwise expressly provided in this Agreement, any communications between the parties or notices to be given shall be given in writing by personal delivery or mailing with postage prepaid to Washington County or the cities of Tigard, Tualatin, and Sherwood at the addresses set forth below. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

For the City of Tigard:

Name and Title: Kim
Ezell, Program Manger
Strategic Initiatives
Address: 13125 SW Hall
Blvd. Tigard, OR 97223
Telephone: (503) 278-
0801

For the County:

Jessi Adams, Homeless Services
Capacity Programs Supervisor
161 NW Adams Ave, Ste 2000, MS 63
Hillsboro, OR 97124
Telephone: (503) 846-4794
Email:
jessi_adams@washingtoncountyor.gov

Email: kim.ezell@tigard-or.gov	
<u>For the City of Tualatin:</u> Megan George, Deputy City Manager <u>18880 SW Martinazzi Ave., Tualatin, OR 97062</u> (503) 691-3065 mgeorge@tualatin.gov	<u>For the City of Sherwood:</u> Name and Title: Kristen Switzer, Assistant City Manager Address: 22560 SW Pine St Sherwood, OR 97140 Telephone: (503) 625-4234 Email:switzerk@sherwoodoregon.gov

23. COUNTERPARTS.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

24. ENTIRE AGREEMENT. This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

The foregoing is hereby agreed upon by the Parties and executed by the duly authorized representatives of the Parties.

FOR THE CITY OF TIGARD

FOR WASHINGTON COUNTY

By: _____
 _____, Mayor

By: _____
 Marni Kuyl, Assistant County Administrator

Date: _____

Date: _____

Approved as to form:

Approved as to form:

 City Attorney

 Jacquilyn E. Saito, Senior Assistant
 County Counsel

FOR THE CITY OF TUALATIN

By: _____
_____, Mayor

Date: _____

Approved as to form:

City Attorney

FOR THE CITY OF SHERWOOD

By: _____
_____, Mayor

Date: _____

Approved as to form:

City Attorney

EXHIBIT A - SCOPE OF WORK

The Cities of Tigard, Tualatin, and Sherwood (the “Cities”) agree to the following scope of work and allowed uses as they relate to funding provided by Washington County (“County”) under this Agreement.

1. Homeless Services System City Liaison staff position

- 1.1 County will fund the City of Tigard \$200,000 per fiscal year for the purposes of a designated 1.0 full time equivalent (FTE) staff position and other associated costs, to serve as a Homeless Services System City Liaison. The County intends to provide funds annually to ensure ongoing support for this function as long as SHS funds are available. Funding will remain at \$200,000 for the first three years of this agreement (FY2023-24, FY2024-25, and FY2025-26); the annual funding amount will be renegotiated by mutual agreement in subsequent years.
- 1.2 The staff position works in coordination with the Washington County Department of Housing Services staff, the Cities of Sherwood, Tigard, and Tualatin, other city homeless services system city liaisons, and community-based service providers.
- 1.3 The position will work in coordination with city services including community engagement, law enforcement, fire and rescue, libraries, neighborhood associations or Community Participation Organizations (CPOs), public works, parks, utility providers, and other departments and institutions that are engaged in issues relating to homelessness to address programmatic, communications, and community needs.
- 1.4 The position will support relations with key stakeholders including neighborhood associations, business associations, advisory bodies, local elected officials, and other groups that are engaged in issues of homelessness, and lead communications when desired to provide educational opportunities to the community to better understand homelessness.
- 1.5 The general role of this position is to support coordination of services, provide clear information about homelessness and the service system, and help to identify local issues that can be resolved between parties through coordination.
- 1.6 Distribution of FTE capacity
 - 1.6.1 The FTE will provide homeless coordination activities for the Cities such as:
 - a. Public relations and communication with business partners, law enforcement, libraries, neighborhood associations or CPOs, public works, parks, utility providers, etc.;

- b. City services coordination, support, and education to address homelessness and understand homeless service provision, including coordination with law enforcement, libraries, neighborhood associations or CPOs, public works, parks, utility providers, etc.;
- c. Coordination and support on site identification and related community engagement for new homeless services to be located in the Cities;
- d. Coordination of the Cities' participation in the annual Point in Time (PIT) Count;
- d. City Council and City Manager communications and coordination; and
- e. Other homeless-related coordination activities for the Cities as needed.

1.6.2 The FTE will also provide coordination activities in support of homeless services funded by Washington County's Department of Housing Services, such as:

- a. Service provision planning and advising at the system level with County staff for new shelter, access centers, or other homeless service programming;
- b. Addressing challenges with local service providers regarding quality of care or other program challenges;
- c. Participating in services coordination meetings with County staff and local service providers;
- d. Conducting local analysis of systems gaps and service delivery opportunities to inform system planning and investment strategies with the County staff;
- e. Participating in system coordination meetings with other city homeless services system liaisons and County staff, and advisory bodies; and
- f. Other coordination activities with the County Homeless Services System as identified.

2. Supervision of Liaison and Work Equipment to be Provided by Each City

2.1 The City of Tigard is the Liaison's employer and is responsible for overall assignment of the Liaison. However, the Cities of Sherwood and Tualatin will each assign a primary point-of-contact for the Liaison. The primary point-of-contact will be responsible for on-boarding the Liaison into the individual City's systems, act as an internal resource, and report on the Liaison's performance periodically to the City of Tigard. The City of Tigard shall exercise sole discretion regarding discipline of the Liaison.

2.2 The Liaison will work the City of Tigard's default schedule – 10 hours a day, four days a week, Monday to Thursday. During the on-boarding period the Liaison may be

required to be in-person for training and other on-boarding activities. After the on-boarding period, the Liaison will be remote, except as required.

The Liaison will provide coordination activities to the City of Tigard approximately 50%, Tualatin 25% and Sherwood 25% of the time, with the understanding that this distribution may vary as needed.

2.3 The following will be provided for use by the Liaison:

- a. A computer, cell phone, and an email address will be issued to Liaison by the City of Tigard.
- b. Tualatin and Sherwood will issue necessary IT credentials. The Cities will coordinate how the Liaison will access all systems. Liaison shall comply with each City's respective acceptable use policy.
- c. Each City will issue building access credentials to the Liaison and each City will provide office space for the Liaison when the Liaison is required to be on-site.
- d. Each City will provide City-owned vehicles for use by the Liaison, when required.

3. Potential funding for capital projects

3.1 Additional funding may be distributed through this agreement for the purposes of supporting capital projects in the Cities that will be dedicated for the provision of homeless services.

3.2 Funding may include both capital investments and staff coordination capacity needed to support the project.

3.3 Funding will be determined per project for both the capital and staff capacity support, be provided as one-time funding, and be fully described in an amended scope of work to this agreement. Each scope amendment will include funding amount, estimated timeline, and role definition for the Cities and County staff related to that project.

3.4 When a potential project is identified, each of the individual Cities and County Department of Housing Services staff will work together to determine that the project is fit for funding through this agreement. This process will include:

- a. Determination that the project is eligible for Supportive Housing Services funding as determined by Metro's work plan for SHS revenue, and consistent with the County's Local Implementation Plan.

- b. Determination that the project is consistent with geographic equity and distribution of services across the County.
- c. Demonstration of joint support for the project from the Cities and County leadership.
- d. Determination that the capital project's budget is adequate and fully funded to ensure final delivery of the project.
- e. Identification of funding commitments to fully manage long-term program and building operations.
- f. Agreement on capital grant and project coordination costs to be funded through this agreement.

4. Evaluation and reporting

- 4.1 Reporting and program evaluation elements of this partnership are intended to demonstrate the value of the partnership and identify opportunities for system improvement. Evaluation and reporting activities will be intentionally constrained to ensure that undue burden is not created for staff responsible for this coordination agreement.
- 4.2 Upon commencement of the agreement, the Cities and Department of Housing Services staff, in partnership with other city liaisons, will work together to develop a reasonable reporting template to define an annual narrative and program outcomes report. This template can be amended annually as the parties seek continued process improvements through learned experience.
- 4.3 Annual reporting and evaluation process:
 - a. The Cities will each provide a narrative report describing the coordination activities that were achieved through this agreement by September 30 for the previous fiscal year (e.g., a narrative report for FY2024-25 will be due by Sept 30, 2025).
 - b. The Department of Housing Services will provide each of the Cities with annual outcomes data from the Homeless Management Information System (HMIS) to describe impact of services provided in the Cities by September 30 for the previous fiscal year (e.g., outcomes data for FY2024-25 will be due by Sept 30, 2025).
 - c. The parties will co-present these annual reports and findings to the Washington County Homeless Services advisory body and may also present to each of the

Cities' City Council, and the Washington County Board of County Commissioners, or other stakeholders as deemed mutually appropriate by the parties.

- d. The parties will convene at least annually to evaluate program outcomes and make recommendations for system improvements in April-May of each year, in advance of the County budget and work plan cycle.
- e. The parties will convene at least annually to review outcomes of this Homeless Services System City Liaison program to make recommended changes and improvements to this scope of work and overall contractual partnership.
- f. The Cities may request a report of program outcomes or provider evaluation data from HMIS to evaluate the quality of services in the local community at any time of the year. Department of Housing Services staff will make every effort to provide data as appropriate and deliver the data in a reasonable time frame.