POLICE ADVISORY BOARD MEETING PACKET

FOR

Thursday, August 20, 2020
7 p.m.

Meeting held virtually through Teams.

AGENDA

Police Advisory Board	
Date & Time:	Thursday - August 20, 2020 7:00pm
Location:	Pursuant to Executive Order 20-16, this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

Attendees

P.A.B. Members:	**Council Liaison:**
Ralph Lohman - Chair	Councilor Kim Young
Diane Foster - Vice Chair	**City Staff:**
Rich Miller	Jeff Groth - Police Chief
Bob Silverforb	
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	
Vacant	

Agenda

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of Minutes (Chair)
4. Board Member Announcements (Chair)
5. Business (Chair)
   a. Board Recruitment Update
   b. Review of Municipal Code 2.36 Personnel Systems, regarding policing expectations
   c. Police Policy Review-Chapters 1 & 2
6. Councilor News
7. Staff Report(s)
   a. Police Officer Recruitment Update
8. Citizen Comment
9. *Pursuant to Executive Order 20-16, citizen comments must be submitted in writing to hassa@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state that it is intended as a citizen comment for this meeting and must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.*
10. Adjourn (Chair)

Chapter 2.36 - PERSONNEL SYSTEM

2.36.010 - Title.

The title of the ordinance codified in this chapter shall be the personnel ordinance of the City of Sherwood.

2.36.020 - Purpose.

The ordinance codified in this chapter is adopted to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; and to assure that appointments and promotions of employees will be based on merit and fitness.

2.36.030 - Adoption and amendment of rules.

A. As provided by Sections 37 and 38 of the City Charter, City Council must authorize the compensation of City appointive officers, and City Council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness. An Employee Manual shall be adopted and amended by the city manager on an annual basis, or at such other frequency as determined by the city manager, and shall be based on the policy decisions made by the city council; budget committee directives; state and federal legislation; general housekeeping; and the best business interest of the City of Sherwood. The manual shall include the rules and procedures by which the City will recruit, select, develop, and maintain an effective and responsive work force and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, discipline, discharge, and other related activities. All appointments and promotions shall be made in accordance with the employee manual and underlying policies, without regard to race, color, religion, gender, national origin, age or disability, and shall be based on merit and fitness.

B. The police department shall operate under a police policy manual. All police policies, and amendments thereto, will be subject to the following review and approval process:
   1. As specified in section 2.08.085 of this code, the Police Advisory Board will review the policy or policy amendment and make a recommendation to City Council.
   2. City Council will then review the policy or policy amendment, along with the recommendation of the Police Advisory Board, and approve by resolution.

2.36.040 - Administration of the rules.

A. The city manager shall be responsible for administering all the provisions of this chapter and of the employee manual not specifically reserved to the police chief, or otherwise addressed in labor or employment contracts.

B. The police chief shall be responsible for administering the police policy manual.

C. As used in this section, “administering” means ensuring compliance with, enforcing, applying, executing, interpreting, and maintaining.

2.36.050 Administration of the Police Department

A. The city manager shall be responsible for appointing, supervising, and removing a professional police chief consistent with the following:
   1. The police chief must meet or exceed the minimum qualifications as established in the job description for the position.
   2. The police chief must be a certified police officer in the State of Oregon, or obtain such certification within twelve months of appointment, and maintain such certification throughout employment.
   3. The police chief must possess executive certification through the State of Oregon, or obtain such certification within twelve months of appointment, and maintain such certification throughout employment.
   4. The police chief must attend ongoing professional training as directed by the city manager.
   5. The police chief must be an active and participating member of the Oregon Association of Chiefs of Police, a member of the International Association of Chiefs of Police, and/or a member of such other professional organizations as may be directed by the city manager.

B. The city manager must ensure the police chief operates the police department consistent with the following:
   1. The police department shall obtain and maintain accreditation through the Oregon Accreditation Alliance, or another accrediting body as directed by the city manager.
   2. The police department shall participate in some form of best practice review or assessment on a schedule determined by and as provided by the city’s insurance provider, or another organization as directed by the city manager.
   3. The police department shall provide a style and manner of policing that is community-based and focuses on building and maintaining community relationships.
   4. The police department shall adhere to the philosophy of “Rightful Policing”, which includes the concepts of lawfulness, legitimacy, and procedural justice.
   5. The police department shall strive to recruit and hire the most qualified candidates through a lens of diversity, equity, and inclusion.

Meeting Minutes
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Police Advisory Board	
Date & Time:	July 16, 2020 - 7:00 pm
Location:	Meeting held virtually through Teams.

P.A.B. Members:	**Council Liaison:**
Ralph Lohman - Chair	Councilor Kim Young
Diane Foster - Vice Chair	**City Staff:**
Rich Miller	Jeff Groth – Police Chief
Bob Silverforb	Angie Hass – Executive Assistant
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	
VACANT	

This meeting was live streamed on the City of Sherwood's YouTube channel.
The video recording is available for viewing:
https://www.youtube.com/watch?v=b9vwzWRCtb8

1. **Call to Order**

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

2. **Roll Call**

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

Board Members Absent: Megan Thornton

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

3. **Approval of Minutes**

June 18, 2020 Meeting Minutes

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Mr. Silverforb moved that the June minutes be approved as written. Mr. Smith mentioned that a correction needed to be made to the date for the next Traffic Safety Committee Meeting. Angie said she will make a note to change. Ms. Zwingli seconded the motion. All present Board Members voted in favor to approve with the one correction.

4. Board Member Announcements

Vice Chair Foster said that she had watched the virtual Work Session, 6/30, when the Chief had made his presentation. She would wait to comment later in the meeting, as it is on the meeting agenda.

Mr. Silverforb shared he and his wife's recent dining experience at Mason in Old Town Sherwood. He said whoever was responsible for shutting down that part of Railroad Street, was to be commended. That made it perfect for the Al Fresco dining. Mr. Smith agreed that the outdoor dining is wonderful.

Mr. West stated that he also watched the Chief's presentation on 6/30. He wanted to, once again, commend the PD for having the speed radar trailers out. Every time he turns around he's seeing them and he thinks they are such a good tool. If we can educate people, maybe we can solve some of the problems.

Ms. Zwingli shared that the Sherwood Police Foundation is working on ways to show support for the Sherwood Police Officers and to help keep morale up with everything that is going on in the country. She asked the Board Members to keep their eyes open because they're coming up with some ideas and will have some things popping up in town, here and there.

Chair Lohman stated that he, too, was able to watch most of the Chief's presentation. Like Mr. Smith and Mr. Silverforb, he has also been down to Railroad Street. He thinks it gives those businesses a better fighting chance to recover, after being shut down the way they were. He knows that one of the establishments were quite impressed that their sales were ahead of where they were during the same time the year before. Kudos to the people who thought that up. Mr. Smith asked if he was able to share which restaurant was doing so well. Chair Lohman replied that it was Mason. He added that he thinks they are all doing well, but one of the folks from Mason is who he had a chat with.

5. Business (Chair)

a. Term Expirations

Chair Lohman noted some corrections that needed to be made to the second page of Exhibit "A". Mike Smith and his info needed to be added to the Police Advisory Board section, to include his term expirations.

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The Chief spoke of the Municipal Code and the recent updates to include staggering terms so that not everyone's terms would expire at the same time. It is especially pertinent when a new board is formed. In addition to the staggering years, all boards and commissions terms will end on June 30th of the given year. This was done so that the recruitment, application and interview processes can all be completed at the same time for all boards and commissions. The City is currently advertising for several positions on the different boards. This makes it a whole lot easier for staff. That being said, he thought this would be a good time to review when the Police Advisory Board terms expired and went over the list with the group. Because so many of the members began at the same time, all but two of the positions will be expiring next June. At that time, they can decide whether or not they'd like to continue. There are no term limits, so they are welcome to continue. They would simply have to let the Chief know they want to continue. Their request would be forwarded on to the Mayor and City Council for approval.

b. June 30th Work Session Follow-Up

The Chief asked if anyone had any questions regarding his presentation.

Chair Lohman thought it went quite well. There was a lot of information provided.

Mr. West commented on the discussion regarding the Police Advisory Board and the role that they could play on updating policies and asked if that was what they would be talking about at that meeting.

The Chief replied that there was pretty clear interest on the part of Council to have more transparency regarding their policies. There was a desire to have some kind of process where those policies could be reviewed. It was decided that the Police Advisory Board would be a good choice for this process. They can be a sounding board for the community. If they receive any questions from community members, they can then bring them to these meetings as well as help to explain the policies to community members. It will help to bring a better level of understanding and transparency. The language already exists in the code regarding the Police Advisory Board reviewing policy, so they didn't have to make any changes. The City Council also indicated that they would like to know when updates have been made to the policy manual. As a result, they are developing a simple report to let them know when they have gone through an update process. He explained that "policy review" will be a regular standing item on their meeting agendas, beginning with the more critical policies. At some point, they'll transition into going through the entire manual.

Mr. Silverforb said that he was interested to know how many policies comprise the manual. The Chief replied that there are ten chapters and within each chapter there are anywhere from a half a dozen to a couple dozen sections. It is a pretty involved policy manual. Mr. Silverforb asked for confirmation that this will be a regular agenda item. The Chief replied that was correct and that he felt that they could accomplish that in the next six months.

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Mr. Miller asked if it was possible for them to get a hard copy of the manual so they could take notes. The Chief replied that he will include the policies that will be gone over, in the meeting packets. Once he has completed a couple more updates, the entire manual will be available on-line. He explained that one of the challenges of printing out hard copies is that the manual is a dynamic, living document. It undergoes changes, at a minimum, twice a year. Changes are made based on changes in statutes, case law, court decisions and/or if it's determined that there is a better way to do something. They are always finding language, grammatical and formatting updates. Every hard copy that they have, potentially becomes outdated every six months, so they try to stay as electronic as they possibly can. Mr. Miller said that made sense and he will just make his own copies for notes.

Mr. Silverforb commented that during the Work Session, the Chief referenced Lexipol quite a few times and wondered if they are the entity or agency that has been responsible for writing the manual and coming out with the revisions. The Chief stated that was correct and that they are a subscriber to Lexipol. They are the provider for "the system". He added that he refers to it as a "system" because it is constantly updated. He went on to explain the process and what is all involved at the set up and how it becomes specific to each agency (and state).

Councilor Kim Young joined the meeting.

Mr. Silverforb stated that each section is referenced by best practice by federal or by state or modified. He asked the Chief when it says modified, how have they been modified? The Chief provided an explanation and shared how some of what they will be going through that evening has been modified.

Mr. Silverforb asked about the sections that appeared to be highlighted and what that meant. The Chief went on to explain that anything that has "State" or "Federal" by it, is in a colored box and anything that just says "Best Practice" is not. That is Lexipol's way of letting the reader know that the language is based on a legal standard, either state or federal law.

Mr. West asked the Chief when a state guidance or direction comes out from Lexipol, can he modify that or is he held to keep within the state or federal standards. The Chief replied that he is physically able to do so, but if he does, Lexipol will tell him that he's making a change to something that's a legal standard. He has to then go through two message boxes asking if he's sure.

c. Police Policy Review

The Chief stated that the two policies he felt would be good to start out with were Use of Force (see Exhibit "B") and Bias-Based Policing (see Exhibit "C"). Once the incident in Minnesota occurred, one of the first things he did was reviewed some of the policies to see if there was language that he didn't like. If there's one thing to realize about the policy manual, it is the

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process has to be based on some level of trust. Lexipol has an entire team of professional experts and best practice experts that help to develop policy, with the expectation that you're going to customize it for your agency. He then provided some examples.

The Chief proceeded to read through **Policy 300, Use of Force**, and asked Board Members to let him know if they had any questions.

Chair Lohman commented on the de-escalation tactics and shared that was gone over at the Citizens Police Academy. It was so present with the teaching and instruction that they received, as well as the play acting. The play acting was about the de-escalation too. The policy falls right in line with what they've been doing.

Ms. Zwingli asked about the section, 300.2.1 Duty to Intercede, and wondered if the Chief had found that the officers have been willing to intercede. The Chief shared that he feels confident that the officers would, but they haven't needed to. They haven't had an incident that they've looked at and thought, "how did this even happen". They have body cameras and reports and all of those are reviewed. They haven't had an incident where they had to question this. They have had incidents that didn't resort in any use of force, but they simply resorted in the dynamics of a contact between one officer and a citizen where another officer stepped in and said, "You know what? This is getting too loud and too heated.", and told the officer to step aside and let them take over. He knows that their officers are thinking critically about making sure that they keep things under control. They have very few Uses of Force in any given year. That is their reality. It just doesn't happen very often and said that they have had situations where officers have chosen to walk away, rather than to push an issue and provided an example. As a department, they have talked about situations where officers recognize that the ends and the means don't always equal. The need to apprehend somebody doesn't outweigh the risk of pursuing or fighting them, or whatever the case may be. He provided an example from a recent incident where the officer walked away. In answer to Ms. Zwingli's question, he feels that Sherwood officers are willing to intervene, but more importantly, they're willing to not get to that point if they don't absolutely have to. The bigger issue from an accountability perspective is, if somebody is in a situation where they should intervene and they don't, that's going to be a big deal.

Mr. West asked if there is a master file that has information as to when policies have been modified and things like that. The Chief stated that Lexipol retains all of the tracking history on when policies are changed or modified, different versions and so on and so forth. The SPD just retains the most up to date version of the policy. If they needed to, they could go in and find that information.

The Chief pointed out that, in addition to the best practice, federal and state boxes by each policy, some also have "OAA" with different numbers. That box is for the Oregon Accreditation

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Alliance. The numbers listed reference standards that they have to comply with to be an Accredited agency. Lexipol partners with the OAA to provide those references.

Mr. West asked when someone is taken into custody and handcuffed and pain compliance is needed, will that be documented. The Chief replied that it would be. He clarified by saying that when someone is handcuffed and they comply when being put into the back of the car, that is not a use of force. If they resist and some kind of physical force is needed to overcome their resistance, even if it's really simple, it will be reported.

Mr. Smith said that with all of the annual reviews, the use of force analysis's, etc. and with the names of the citizens and officers not included, he assumed that they're keeping track, some place, of which officers are using force, etc. This would be so they know where more training is required. The Chief explained that the names are just not included in the analysis. There are two kinds of reviews, two pieces to that. The reason it doesn't talk about the names of the officers, locations and occurrences is because every one of those has been reviewed individually as they've occurred. He's assuming that's just referring to the data, the numbers, etc., looking at overall trends for use of force so they know how to plan for training and other things. Mr. Smith just wanted to be sure that if any particular officer was using force more than others, they would be aware. The Chief went over the review process for each and every incident. He added that with only 18, or so, officers, it would be pretty obvious if a certain name kept showing up. With every use of force report being reviewed, they would catch it if there were any repetitive problems.

Mr. West asked about the different shifts in regards to the types of incidences. Are there trends that way or extra training, briefings before going on shifts that stuff pops up? He was thinking evenings, where there may be more alcohol consumption and other libations and people just not being respectful. The Chief said probably not and stated that they're not talking about a bunch of people. They're talking about two or three folks on duty on any particular shift, including night shift. It's not a very difficult thing to track and measure. He didn't know if there were any trends on night shift. Certainly some of the incidents that happen on night shift could have more propensity for force, but there's less people. There's generally fewer people and fewer calls. Swing shift is the busiest shift. It has the most people. If there was going to be a period of time where there would be more potential for use of force, it would probably be on swing shift. With being a smaller agency, they just don't have a huge number of people that they're having to keep track of. That is a big advantage of a police department like Sherwood. There's an argument that could be made that a good majority of the misconduct in these types of incidents that happen, occur in bigger police departments.

The Chief stated that they know this review process is putting more work on the Board, but it's important work. It's important to him, the community and the City Council. As they read through

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the policies, he asked that they let him know if something just doesn't ring true. Ask the tough questions, point out things they don't like, because these policies can be changed and can be tweaked as they best feel and see.

Mr. Smith stated that bearing in mind that they have very few use of force issues, how litigious are those that have had force used on them? Is it a common thing or are most people, "okay, I kind of deserved that, I guess". Or, are they going to get sued every time someone gets their arm twisted? The Chief replied that he couldn't remember them having a law suit due to use of force. There was one shortly after he was hired on as Chief. SPD was included in a lawsuit regarding the use of force that occurred in Tualatin and a Sherwood Officer was there to provide cover. When the use of force happened, he was actually a Captain at the Tualatin PD. By the time the suit came across, he had taken over at SPD. The Sherwood Officer ended up getting dropped from the lawsuit. He added that he couldn't even remember more than one or two complaints about use of force over the last several years. His answer to Mr. Smith was, "no". There's not a lot of litigation that comes out of use of force.

Mr. Miller asked in regards to training and the notations on the policies for "Best Practice" and "OAA" references, are there federal guidelines to how often they have to put their officers through training and is there an expectation that the training is more than in a simulator or in a classroom? Is there actually tactical training on the field? His thought is, when they're out there facing the public and there's some sort of elevated situation, will they remember and recall their training? How do you try to assure that's the case? The Chief replied that there is no federally required content standard for the training. In the state of Oregon there are a certain number of hours every year that must be dedicated training hours that must be dedicated towards use of force training. That includes all kinds of use of force training, firearms, defensive tactics, etc. The state has a standard on the number of hours, but not on the content. How they accomplish the part where the officers will remember and recall the training is through repetition. He provided some examples of repetition and shared with the group some of the different trainings that officers go through not only in becoming a Police Officer, but throughout their law enforcement career.

He added that long before use of force conversations started (approximately three years), the SPD recognized the need to take a different approach to their hands on use of force, because they didn't want to be fighters. They're not interested in being warriors or the toughest people on the street. They want to have more of a guardian mentality, a protective mentality. That is where they've applied the discipline of Jiu Jitsu into their training. It's a much more open hand, defensive series of techniques that relies more on leverage and body positioning and gaining control than it does on physically overpowering somebody, inflicting pain, knocking them to the ground, or whatever the case may be. It doesn't matter if you've been a police officer for 20 months or 20 years, you are required to go to that training. That is how they retain that proficiency and that ability.

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The Chief then moved on to reading through **Policy 402, Bias-Based Policing**. What it comes down to is making decisions based on a protected class, a type of culture, race, or whatever the case may be. Clearly it's not okay. That is not how they police. To make it crystal clear, bias-based policing is strictly prohibited.

The SPD reports their traffic and pedestrian stops. The SPD participates in the State of Oregon Stop Data. It is now required. When officers clear every traffic stop, they report the race and gender information so they have tracking to see who they're pulling traffic stops on, or who their stopping on the streets. That's a system where they can monitor and track how they're doing.

Mr. Smith wondered about bullet "d" under Supervisor Responsibilities. He asked if that was whistle blower protection and if he was reading correctly? The Chief replied that he was correct. That protects the duty to intercede, intervene and report. As they review other chapters later, they will see that they also have "every officer has a duty to report misconduct". If somebody reports what they believe to be biased based policing, they absolutely have protection. Mr. Smith asked if the paragraph in 300.2.1, Duty to Intercede, should also be included in policy 402. The Chief replied that he wasn't sure why that wasn't included in policy 402, but it certainly should be and added that maybe they were thinking that whistle blower protection is automatic.

Mr. West asked the Chief, with all of the different protected classes out there, when an officer feels they have probable cause to pull somebody over, or detain somebody, bottom line with this policy, the probable cause can't be based on any of those protected bias identifiers, correct? The Chief stated that officers do have the ability to combine identifying information that has been provided, such as suspect description. They do have the right to use that to locate and investigate potential suspects. They don't have the right to take action based solely on protected class, race, etc. Mr. West added that it's a tough job to meet this requirement, or at least he thinks it would be – not being an officer charged with these challenges. He hopes there's a lot of training and role playing to help the officers so they don't get in trouble on this. The Chief informed him that they're going through implicit bias training again right now. It's absolutely part of their training program. There's also ethics training that plays into that. He understands and agrees with the point that Mr. West is making, but it's also important to understand that as a professional police officer, it's usually not that difficult. You take action based on behavior, the credible information that you have and that's it. He went on to explain in more detail.

Mr. Miller commented on the meeting minutes from the previous month where the Chief had talked about how much policing has changed during his career – mental health calls and things of that nature. Policing has morphed into something much bigger than it had intended to be, to protect and serve. He stated that he recognizes that officers are carrying around a big, huge backpack of duties and somehow, they have to be able to filter through what's in their tool box to make sure they respond as appropriately as possible, thus the training. He asked the Chief,

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when considering the implicit biased training and bias-based policing training, additional reporting, etc., on a bottom line - how much additional effort does this require of police administration to make sure that they are above board and compliant? He also wondered if the public has any concept as to what is being expected and the actual cost. Not just the time, but the dollar amount that's added. What he's hearing from the Chief is that they are doing a lot of stuff that seems like it's beyond policing and beyond "to protect and serve".

The Chief replied that beyond policing, as defined by sitting in a police car and responding to calls, yes, absolutely – far beyond that. However, beyond protecting and serving, "no". As administrators, they don't respond to calls unless it's a critical incident and they need to be out there. He explained that if a burglary call comes over on the radio, he's not going to go. That's not what he does. The patrol officer protects and serves by responding to that call, by helping people when they're in need, whatever the case may be. He protects and serves by making sure that the officer that responds is as professional, as well equipped, as well trained as they can possibly be and that they're held accountable and do what is expected of them. It is his job to keep those systems running. He explained that it has been decided through the years that he and the captains are there to lead and lead change to make policing better. In addressing the second part of Mr. Miller's question, he replied that it is very expensive, but that is what they do. His expectation for himself is to take care of all of that other stuff. He talked about the challenges of good leadership and that his main job is to make Sherwood PD the best agency that it can be. The best agency in the state of Oregon. He is extremely proud of the Sherwood PD and would put them up against anybody. To accomplish this, it takes collaboration, attending meetings, being involved with state agencies, not the least of which is making sure they have good policies and making sure that his captains are taking care of the administrative functions that they need to take care of. Although it is expensive, there is no way they could do what they're doing without them. He said it was mentioned some years back that if they need more officers, they need to get rid of some of the administration, stating that they were "top heavy". He went on to explain how that would affect the Department, if that were to happen.

Vice Chair Foster mentioned that in his presentation to the City Council, he had spoken about the Accreditation process. She asked the Chief if he could provide a brief explanation of what Accreditation is for those who hadn't seen or heard his previous presentation.

The Chief explained that they are Accredited through the Oregon Accreditation Alliance. It is a body that exists as an off-shoot of the Oregon Association of Chiefs of Police and the Oregon State Sheriffs Association. It is a standalone body and they have established over 100 standards that an agency must meet and then continue to prove to become and stay Accredited. The Sherwood PD received their initial Accreditation and then two Re-Accreditations. They will be due in another year and a half for their third award of Re-Accreditation. He went on to explain the process in a bit more detail. He added that only about

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30% of all police agencies in Oregon are Accredited. He also explained that CIS (City County Insurance Services) conduct best practice reviews. Both of these things, combined, are a huge risk reduction.

The Chief stated that he felt they had covered policy 402 pretty well and added that the state will be replacing the Law Enforcement Contacts Policy and Date Review Committee section (402.6.1). That will go through the Criminal Justice Commission now.

The Chief pointed out that with there being a lot to their policy manual, hopefully they can get the review process going smoothly. It's going to be really important that the Board Members look through the policies ahead of time. This will make it easier for the review process, so he can just jump through and capture any questions they might have along the way.

6. Councilor News

Councilor Young reported that the City Council is still trucking along. It has been a quiet summer and they are still doing their meetings virtually. They will be having a Work Session at their next meeting and one of the items on their agenda is a small business grant discussion. In case the Board Members weren't aware, she let them know that back in March, the City had given out almost $200,000 in grants to 93 small businesses to help them through COVID. They will be getting more funding from Small Business Oregon and the Care funding. They will receive about $248,000 from Care funding and $35,000 from Business Oregon. At the Work Session they will go over the parameters of who might be able to apply for that and hopefully help some more of Sherwood's small businesses who are probably still suffering.

During their regular meeting, they will be discussing whether or not to put repealing the ban of marijuana on the ballot in November, as the group did collect enough signatures. The signatures have been validated by the county. She said, personally, she wouldn't reject something that citizens have gathered enough signatures for, as that is the whole point of that. She stated that, also, the Chief will be giving a policy update on changes that were made earlier that month.

Looking into August, they will be having a Work Session to talk about diversity, equity and inclusion and what that looks like at the City level and what the City can do, if anything, for the Sherwood community. They will be looking at policy surrounding that.

Vice Chair Foster wanted to be sure Councilor Young was aware of the compliments that were made earlier in the meeting regarding the outdoor dining areas in Old Town Sherwood. A lot of people are taking advantage of that and enjoying it. Councilor Young stated that she has heard a lot of positive comments on that and she thinks eating outdoors is better than eating indoors at this time. The restaurants down there have done a really good job of socially distancing folks and people are doing a really good job of wearing their masks when going to their tables, from what she hears. She's glad it's working and that the businesses are, hopefully, surviving.

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7. Staff Report(s)

The Chief reported that they've recruited for the two new lateral officer positions and have accepted applications. At this point they have five sub-finalists moving onto a second interview. They feel that they have a pretty good pool of applicants. He explained that with them being laterals, that means that they will not need to go to the police academy. The target hire date is September.

With the resignation of Vance Stimler from the Board, they have recruited for a replacement, along with other boards. The application period will close July 31st. So far, they had received two applications for the Police Advisory Board. Once that closes, they will set up interviews, as they've done in the past, and get that position filled.

Chair Lohman asked if there was anyone from their past recruits that might be eligible for one of the positions. The Chief replied that they were all eligible, but the decision was made to open the application process. They are welcome to apply and he wasn't sure if the City had reached out to notify them of the current openings. Ms. Zwingli asked if there was any diversity reflected in the lateral applicants. The Chief replied that he believed there were.

8. Citizen Comment

Chair Lohman asked Angie if there were any Citizen Comments submitted. See Citizen Comment attachment from Neil Shannon, read aloud by Angie Hass. Councilor Young asked Angie if a copy of Mr. Shannon's comment had been sent to the City Recorder to be distributed to the City Council. Angie replied that had not been done, but that she would do so. Mr. Miller wanted to affirm that Mr. Shannon had stated so very, very clearly, not only the role of police, but also how we can put our trust in our local police force. He stated that Mr. Shannon had written an outstanding letter. Chair Lohman added that it is a privilege to be a part of this group.

Mr. Smith asked the Chief if the recent demonstration in Sherwood required a police presence or were there no issues. The Chief replied that there were no issues. Sherwood Police Officers were there, on the outskirts, just to make sure everything was okay and to make sure the street stayed open. They had made contact with all of the organizers and everyone communicated very well with each other. The PD very much appreciated their openness and willingness to communicate with, not only them, but also with each other. It was very refreshing how the organizers carried themselves. That is how the system is supposed to work. They were very interested in keeping it a family event.

9. Adjourn (Chair)

Mr. Smith made a motion to adjourn the meeting. Mr. Silverforb seconded the motion and all Board Members voted in favor. The meeting was adjourned at 8:48 pm.

DRAFT

Approval of Minutes:

_____ _____

Chair Ralph Lohman Date

Attest:

_____ _____

Angie Hass, Executive Assistant Date

DRAFT

Exhibit "A"

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2019-066

IMPLEMENTING SHERWOOD MUNICIPAL CODE CHAPTER 2.08 BY ADJUSTING EXPIRATION DATES FOR BOARD AND COMMISSION TERMS

WHEREAS, in order to align and codify the language governing all City boards and commissions, the City Council adopted Ordinance 2019-005 on June 18, 2019, creating a new chapter within the Sherwood Municipal Code; and

WHEREAS, that Chapter, SMC Chapter 2.08, provides consistency within a number of areas, including the size of boards and commissions, lengths of terms, eligibility, and term end dates; and

WHEREAS, to conform to the language in SMC Chapter 2.08 concerning uniform term lengths and end dates, as well as staggering of terms, the City needs to change the term expiration dates for certain board and commission positions; and

WHEREAS, the necessary changes to term expiration dates are described in Exhibit 1, attached hereto.

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

Section 1. The changes to term expiration dates for City boards and commissions described in Exhibit 1, attached hereto, are hereby approved.

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

Duly passed by the City Council this 20th day of August, 2019.

Tim Rosener, Council President

Attest:

Sylvia Murphy, MMC, City Recorder

Planning Commission (4 year terms)	Position #	Preexisting Term Expiration Date	Adjusted Term Expiration Date	Next Term Expiration Date
Alexandra Brown	1	4/30/2022	6/30/2022	6/30/2026
Mark Cottle	2	7/31/2020	6/30/2020	6/30/2024
Laurie Holm	3	6/30/2021	6/30/2021	6/30/2025
Justin Kai	4	4/30/2022	6/30/2022	6/30/2026
Darin Owens	5	3/30/2021	6/30/2021	6/30/2024
Jean Simson	6	3/30/2021	6/30/2021	6/30/2025
Rick Woidyla	7	3/30/2023	6/30/2023	6/30/2027
Budget Committee (3 year terms)	**Position #**	**Preexisting Term Expiration Date**	**Adjusted Term Expiration Date**	**Next Term Expiration Date**
Susan Claus	1	6/30/2020	6/30/2020	6/30/2023
Matt Kaufman	2	7/17/2021	6/30/2021	6/30/2024
Paul Mayer	3	7/31/2021	6/30/2021	6/30/2024
Vacant	4	6/30/2019	6/30/2019	6/30/2022
Vacant	5	6/30/2020	6/30/2020	6/30/2023
Kady Strode	6	4/16/2022	6/30/2022	6/30/2025
Nancy Taylor	7	6/30/2020	6/30/2020	6/30/2023
Parks and Recreation Advisory Board (3 year terms)	**Position #**	**Preexisting Term Expiration Date**	**Adjusted Term Expiration Date**	**Next Term Expiration Date**
Brian Amer	1	5/31/2021	6/30/2021	6/30/2024
Tara Baker	2	3/31/2020	6/30/2020	6/30/2022
Mike Bowcut	3	6/30/2020	6/30/2020	6/30/2023
John Clifford	4	5/31/2021	6/30/2021	6/30/2024
Sarah Hagan	5	6/30/2020	6/30/2020	6/30/2023
Michael Jackson	6	6/30/2020	6/30/2020	6/30/2023
Eric Kneifel	7	5/31/2021	6/30/2021	6/30/2022
Joy Kuczer	8	5/31/2021	6/30/2021	6/30/2022
Steve Munsterman	9	5/31/2021	6/30/2021	6/30/2024
Library Advisory Board (4 year terms)	**Position #**	**Preexisting Term Expiration Date**	**Adjusted Term Expiration Date**	**Next Term Expiration Date**
Vacant	1	4/30/2023	6/30/2023	6/30/2027
Randy Mifflin	2	6/30/2021	6/30/2021	6/30/2025
Vacant	3	9/30/2019	6/30/2019	6/30/2023
Ursa Shaw	4	12/31/2020	6/30/2020	6/30/2024
Jane VanKuren	5	12/31/2020	6/30/2020	6/30/2024
Joyce Venjohn	6	11/30/2019	6/30/2019	6/30/2022
D'Ann Wells	7	6/30/2021	6/30/2021	6/30/2025
Rebecca Mifflin	8	6/30/2020	6/30/2020	6/30/2024
Vacant	9		6/30/2023	6/30/2026
Cultural Arts Commission (3 year terms)	**Position #**	**Preexisting Term Expiration Date**	**Adjusted Term Expiration Date**	**Next Term Expiration Date**
Geoffrey Beasley	1	8/31/2020	6/30/2020	6/30/2023
Roxanne Blackwood	2	3/30/2020	6/30/2020	6/30/2022
Skye Boughey	3	10/31/2019	6/30/2019	6/30/2020
Vacant	4	7/31/2019	6/30/2019	6/30/2022
John Liles	5	6/30/2020	6/30/2020	6/30/2023
Bernie Sims	6	11/30/2020	6/30/2020	6/30/2021
Vacant	7	11/30/2020	6/30/2020	6/30/2021
Vacant	8		6/30/2021	6/30/2024
Vacant	9		6/30/2022	6/30/2025
Police Advisory Board (3 year terms)	**Position #**	**Preexisting Term Expiration Date**	**Adjusted Term Expiration Date**	**Next Term Expiration Date**
Diane Foster	1	3/31/2021	6/30/2021	6/30/2024
Ralph Lohman	2	3/31/2021	6/30/2021	6/30/2024
Rich Miller	3	3/31/2021	6/30/2021	6/30/2023
Bob Silverforb	4	3/31/2021	6/30/2021	6/30/2023
Megan Thornton	5	3/31/2021	6/30/2021	6/30/2024
Chris West	6	3/31/2021	6/30/2021	6/30/2022
Laurie Zwingli	7	3/31/2021	6/30/2021	6/30/2023
Vacant	8		6/30/2022	6/30/2025
Vacant	9		6/30/2022	6/30/2025
Senior Advisory Board (3 year terms)	**Position #**	**Preexisting Term Expiration Date**	**Adjusted Term Expiration Date**	**Next Term Expiration Date**
Vacant	1		6/30/2021	6/30/2024
Vacant	2		6/30/2021	6/30/2024
Vacant	3		6/30/2021	6/30/2024
Vacant	4		6/30/2022	6/30/2025
Vacant	5		6/30/2022	6/30/2025
Vacant	6		6/30/2022	6/30/2025
Vacant	7		6/30/2023	6/30/2026
Vacant	8		6/30/2023	6/30/2026
Vacant	9		6/30/2023	6/30/2026

Use of Force

300.1 PURPOSE AND SCOPE

Best Practice

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

300.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

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

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

300.2 POLICY

Best Practice MODIFIED

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

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

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

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

300.2.1 DUTY TO INTERCEDE

Federal MODIFIED

Any officer present and observing another officer using force that is beyond what is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force and shall promptly report these observations to a supervisor.

300.3 USE OF FORCE

Federal OAA - 1.3.1 (a)

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

State | MODIFIED | OAA - 1.3.1 (b), 1.3.1

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

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

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

Federal | MODIFIED | OAA - 1.3.1 (c), 1.3.1 (a)

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

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

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

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

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

(e) The effects of drugs or alcohol.

(f) Subject's mental state or capacity.

(g) Proximity of weapons or dangerous improvised devices.

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

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

(j) Training and experience of the officer.

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

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

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

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

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

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

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Best Practice **OAA - 1.3.1 (c)**

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

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300.3.4 CHOKE HOLDS

Best Practice MODIFIED

Choke holds and neck restraints of any kind that are designed and/or intended to restrict airflow have a de-humanizing affect on people and high potential for injury. Therefore, the intentional use and/or application of the carotid control hold, or any similar choke hold or neck restraint of any kind that is designed and/or intended to restrict airflow is prohibited, except as allowed under policy 300.3 above when deadly force is justified.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

Best Practice

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

300.4 DEADLY FORCE APPLICATIONS

Federal OAA - 1.3.2, 1.3.3 (a), 1.3.3

Use of deadly force is justified in the following circumstances:

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

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

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

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

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300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Best Practice | OAA - 1.3.3 (c), 1.3.3

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Best Practice | MODIFIED | OAA - 1.3.7

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

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

300.5.1 NOTIFICATION TO SUPERVISORS

Best Practice | OAA - 1.3.1 (d), 1.3.1

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the TASER or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

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

300.6 MEDICAL CONSIDERATION

Best Practice

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

Best Practice **OAA - 1.3.7, 1.3.1 (d)**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.

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

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

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

Best Practice **OAA - 1.3.1 (d), 1.3.7**

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

300.8 TRAINING

Best Practice **OAA - 1.3.4 (c)**

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

300.9 ANNUAL REVIEW

Agency Content

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

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300.10 USE OF FORCE ANALYSIS

Best Practice **OAA - 1.3.7**

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

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Exhibit "C"

Bias-Based Policing

402.1 PURPOSE AND SCOPE

State

This policy provides guidance to agency members that affirms the City of Sherwood Police Department 's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

402.1.1 DEFINITIONS

State

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, language, religion, sex, sexual orientation, gender identity or expression, economic status, homelessness, age, cultural group, disability, political affiliation or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes profiling as defined by ORS 131.915.

402.2 POLICY

Best Practice

The City of Sherwood Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Best Practice

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Best Practice

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a

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supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Best Practice

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC AND PEDESTRIAN STOPS

State

Each time an officer makes an officer-initiated traffic or pedestrian stop, the officer shall record the required stop data in the method and manner prescribed by the Oregon Criminal Justice Commission (OCJC) (ORS 131.935).

402.5 SUPERVISOR RESPONSIBILITIES

Best Practice OAA - 1.2.5 (e)

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

1. Supervisors should document these periodic reviews.
2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this agency who discloses information concerning bias-based policing.

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402.6 STATE REPORTING

State

402.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS POLICY AND DATA REVIEW COMMITTEE

State | OAA - 1.2.5 (b), 1.2.5 (d), 1.2.5 (g), 1.2.5 (c)

The Records Section shall annually provide Law Enforcement Contacts Policy and Data Review Committee (LECC) the following (ORS 131.925):

(a) Copies of profiling complaints received by the Agency.

(b) A summary of each profiling complaint received by the Agency and the final disposition of the profiling complaint on the appropriate Department of State Police (DSP) form.

1. This form is to be submitted even if no profiling complaints were received by the Agency.

Summaries of complaints and copies of complaints provided to LECC may not include personal information concerning the complainant or an officer except as to any personal information on the DSP form (ORS 131.925).

The Records Section should provide LECC, upon request, data regarding stops or contacts as identified in ORS 131.906(5). Data provided may not identify an officer or an individual whose demographic data is collected (ORS 131.906).

402.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION

State

The Records Section shall provide the OCJC with traffic and pedestrian stop data annually as prescribed by ORS 131.935.

Data may not include information that reveals the identity of any stopped individual or of any officer (ORS 131.935).

402.7 ADMINISTRATION

Best Practice

The Patrol Section Section Commander should review the efforts of the Agency to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Police Chief. The annual report should not contain any identifying information about any specific complainant, citizen, or officers. It should be reviewed by the Police Chief to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Best Practice | OAA - 1.2.5 (h)

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Training on fair and objective policing and review of this policy should be conducted as directed by the Support Captain.

402.8.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

State

The Support Captain should ensure that officers receive training implemented by the Department of Public Safety Standards and Training regarding procedures to facilitate the collection of officer-initiated traffic and pedestrian stop data (ORS 131.935).

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Citizen Comment, 7/16/2020

From: NEIL SHANNON [redacted]
Sent: Thursday, July 16, 2020 7:55 AM
To: Angela Hass <HassA@SherwoodOregon.gov>
Subject: Citizen Comment for the Police Advisory Committee meeting July 16th 2020

Hi Angela,

Please accept the below comments as Citizen Comments for the Police Advisory Committee meeting on July 16th.

Thank you,

Neil Shannon

To the Police Advisory Board, Representatives of the City Council and especially Police Chief Groth and all of the members and staff of the Sherwood Police Department.

Thank you!

I watched with interest Chief Groth's presentation to the City Council Work Secession June 30th and appreciate the professionalism that he brings to the very difficult job that we (the citizens of Sherwood) have asked him to perform. If you have not had a chance to watch this presentation I urge you to do so.

I recognize that holding society and individuals to a set of rules and norms is not easy but if it was easy it would not be worth doing. Policing is the very glue that holds a society together and is at the very core of "being civilized". Sure, like all of us, I get nervous when I see a police car pulling up behind me and my heart skips a beat if pulled over, that is natural. I am concerned when I see a man walking down the street with a gun strapped on his hip knowing the power held in that weapon but am comforted when I know that man is there to protect me.

Much concern has been made about the "militarization" of police forces but I do not believe that is a concern the law-abiding citizenship. Our police department does not choose the force that is arrayed against them but must be prepared to both protect the citizenship and themselves against all levels of threat. Police are also often viewed as being "the man", enforcing unfair rules that maintain the power of the elite against the suppressed minorities. The rules of our society have plenty of outlets for change, including non-violent civil gatherings, the right to petition and, most importantly, the ballot box. There is no place in our society for one individual, or group of individuals, to force by violence their positions.

Thank you to the Police Advisory Board to represent the citizenship and providing that direct contact between us and our policing team.

Thank you to our elected City Council for supporting our Police Department and for providing the guidance and funding necessary to meet the difficult duties that we have assigned them.

Most importantly, thank you to Police Chief Groth and all the team for being that Thin Blue Line that protects us all from the chaos that is out there every day.

Neil Shannon
Sherwood, Oregon