



Meeting Minutes



Police Advisory Board	
Date & Time:	February 18, 2021 - 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:
Brian Dorsey	Jeff Groth – Police Chief
Rich Miller	Angie Hass – Executive Assistant
Bob Silverforb	
Mike Smith	
Megan Thornton	
Chris West	
Laurie Zwingli	

This meeting was live streamed on the City of Sherwood's YouTube channel.

The video recording is available for viewing:

https://www.youtube.com/watch?v=asZ7A_enMxY

1. Call to Order

Vice Chair Foster called the meeting to order at 7:00 p.m.

2. Roll Call

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

Board Members Absent: N/A

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

As Chair Lohman was not able to attend the entire meeting, Vice Chair Foster chaired this meeting.

3. Approval of Minutes

January 21, 2021 Meeting Minutes

Mr. Silverforb moved that the January meeting minutes be approved as written. Mr. Smith seconded the motion and all Board Members voted in favor.

4. Board Member Announcements (Chair)

Mr. Silverforb shared with the group that about a week ago, he had watched a segment on KGW regarding body worn cameras and the Portland Police Department. Chief Groth was interviewed for that program and spoke of the use of body worn cameras for the Sherwood Police Department. Mr. Silverforb stated that Chief Groth did a great job.

Mr. Silverforb stated that there is a group called the Washington County Public Affairs Quorum and on February 22nd, they are going to have a local law enforcement panel. The Chiefs from Tigard, Beaverton and Hillsboro will be on this panel and will be talking about a lot of things that this Board (Police Advisory Board) has discussed. These topics include the racial justice movement, ongoing complexities, navigating COVID-19, etc and begins at 12 pm. He has attended a few of these in the past and finds them extremely interesting. The people that are featured do a nice job.

Mr. Smith said that he is still attending the FBI Citizens Academy. The presentations that he had attended the night before were on Portland area gangs and the FBI's Portland area's Bomb Squad. He said learning about both of those topics made him want to just go crawl under a blanket and hide his head. He also added that the number of gang related issues and the number of gang members in the Portland area is terrifying; and asked Chief Groth if Sherwood has any problems with gangs in the area.

The Chief said that, thankfully, Sherwood has very little of that activity that spills southward, in terms of gang activity. Some of those involved may make their way to Sherwood for other criminal conduct. Sherwood does have a lot of criminal conduct from folks out of Portland, but nothing specific to gangs. The Sherwood PD has utilized the Portland Bomb Disposal Unit a few times for suspicious devices.

Ms. Thornton had some questions for Chief Groth from one of her friends that works at OHSU. These questions were in regards to the OHSU's police staff requirements. Ms. Thornton said that if he preferred, perhaps he could e-mail her his responses. OHSU requires that six police officers be on duty at all times. OHSU officers are required to recite by memory, their oath and their Forefront in Oregon Policing Strategy. Ms. Thornton proceeded with the questions.

OHSU officers have four point holsters for safety so that it will take a little longer to draw their weapons. She asked if Sherwood PD has this type of holster and asked the Chief if he would like to answer all of the questions one at a time or if she should proceed with her next question. Chief Groth stated that she could ask all of her questions at once and he would respond at the end.

Ms. Thornton proceeded with the rest of the questions. She then asked if the SPD has a strategic disengagement policy and if the SPD operates using a trauma informed lens.

Before he answered the questions, the Chief wanted it to be clear that his responses were specific for what the Sherwood PD does. He didn't want anyone watching to interpret his responses to mean that someone is doing something wrong.

The Chief replied that the SPD does issue and deploy safety holsters. From his perspective, safety holsters are intended to keep the gun in the holster when somebody else is trying to grab it. They're not designed to slow the draw of the Officer down. That may be a secondary outcome, but like with anything else, with practice, an Officer will draw faster. Ms. Thornton asked if the issued holsters are considered the four point. The Chief stated that there are multiple different levels, but believed that the SPD's are level two's or three's. He explained that if an Officer needs their sidearm, then they need to be able to get it out of the holster. Some safety features are counterproductive to being able to do that. The last thing he would ever want to do is to have an Officer get shot, or otherwise seriously injured because they weren't able to get their firearm out of their holster. He shared how things have changed over the span of his career and that they didn't always have the safety holsters. He reiterated that the SPD doesn't have the safety holsters so that Officers will take longer to draw their weapon, but so that others cannot grab the Officer's firearm.

The Chief said that the Board has gone over the SPD's Use of Force policy multiple times and that they will be going over it again that evening. Although they don't have one titled "Disengagement", there is a section called "De-Escalation". One method of de-escalating is disengaging, which is simply walking away. The SPD teaches multiple methods of de-escalation and shared examples of disengaging, which is one method of de-escalating. The SPD has practiced this for many years.

In regards to "trauma informed", he stated that this is a topic and discipline that has come up in the last few years. He stated that this is an improvement to policing, and an improvement on how to approach victims and circumstances from a trauma informed perspective. In practice, he thinks it's been around a long time but just hasn't been defined as trauma informed or explored as deeply in the past. When the SPD trains their Officers on how to speak with victims, they include the ideology and the practice of coming at it from a trauma informed position. He provided an example to the group and how this can be used with domestic violence or sexually abused victims.

Ms. Thornton asked if the SPD's oath is simplistic enough that Officers can recite it by memory at any given situation. The Chief replied that it is not and that he could not recall any time that he's heard of agencies requiring this. From his perspective, it is not what he would consider common. He wants Officers to know what the oath says, but then it needs to be about behavior, not words.

What he wants more, is for the Officer to live that oath, every day in the field. They need to focus on hiring the right people. Train and teach them the SPD culture and make them the Police Officers they want them to be. Ms. Thornton thanked the Chief for answering all of her questions. She added that per her friend's information from OHSU, the police force at OHSU are the "Forefront in Oregon for Policing Strategy". The Chief said that he would be remiss in saying that he doesn't disagree with that and that they are right with them.

Mr. West said that he had seen the Chief's interview on KGW as well and that it was awesome to show that the SPD has been on top of this for a while.

Ms. Zwingli asked the Chief if he would be able to share access to the interview so that she could funnel it over to the Police Foundation. The Chief said that the only access he would have is while it is publicly available. He wasn't sure if he'd be able to get a copy. *(After the meeting, a link to the interview was found on YouTube: <https://www.youtube.com/watch?v=3L9dHH6NGw0>.)*

Ms. Zwingli announced that the Police Foundation Gala is going to take place, virtually, on Wednesday, May 12th. They are getting it up and running and asked everyone to be sure to mark their calendars.

Vice Chair Foster shared that when she took her kiddos to their practice at the new high school, there was a Patrol Officer patrolling the new high school. There are already a number of kids on campus for limited in-person distance learning. She thought it was cool that they were in the building, safely, right now and that there's patrolling already going on there. She thanked the Chief for that.

5. Business (Chair)

a. Board Member Term Expiration Update

The Chief explained that Mr. Smith and Mr. Dorsey are the only two of the seven whose terms do not expire at the end of June this year. The Chief reminded the group of some background. The expiration date for all terms is June 30th. Next week, they will e-mail a reminder to all Board Members what the next term expiration dates are. Some will have one more year, some will have more. The good news is, there are no longer term limits and the process for reappointment is a lot cleaner. If your term expires on June 30th of this year and you are interested in being reappointed, you would have a new term limit. Ms. Thornton asked for a little clarification on what her term limit would be if she were to reapply. The Chief proceeded to explain how the different term limits are determined based on how many are on the Board, their position numbers, etc. If someone wanted to serve only one more year, but it was a two-year term, they could just put in their resignation after the one year.

b. Police Policy Updates

(Please tune in to the 31:15 minute mark of the YouTube video recording of this meeting, for the full policy review and discussion.)

Chief Groth stated that the packet looked bigger than it was and that there wasn't a whole lot of substance to most of the updates. He is beginning a new format, that month, with the Police Policy Update Report (see Exhibit "A"). He proceeded to go over the document with the group. This is the same form that he will be using with the City Council, only that one is titled "Staff Report". He feels it will be a lot more efficient when presenting the policy updates.

Please see Exhibit "B" for all policies that were reviewed. The Chief went over the Update Report and policies with the Board.

In regards to policy #300, Use of Force, the Chief elaborated on the new language involving "respiratory restraints". In prior presentations, he had talked about chokeholds and carotid holds, and stated that when they had first made changes, they included not only blocking the flow of blood, but also blocking the flow of air in their policy language. He explained that, basically, Lexipol is catching up to them now. Lexipol initially addressed the flow of blood, which is what the carotid hold is intended to do, and now they've added language to include respiratory restraints, which affects the flow of air. He explained that even though they already had language that covered that, they went ahead and accepted that update. It is a little bit redundant, but he felt it was important to include.

The Chief stated that policy #307-Vehicle Pursuits was not included in the Lexipol updates, but was updated by Department staff – the Sergeants, Captains and himself. The Sergeants had been having conversations with some of the Officers who were looking for more clarification on some of the language. Vehicle pursuits are a significant area of liability and risk across the board, so it was important to him to make sure that they had the City Attorney review this as well. The former policy had the word "generally" a fair amount and he explained how that could make things unclear. He also provided some examples. They also replaced the word "should" with "shall" in several places.

Mr. West commented on the pursuit that had occurred just before that last Christmas where Clackamas County was pursuing a car that came on to Main Street in Sherwood. He shared what he'd recalled from a prior meeting where the Chief had stated that Sherwood PD did not participate in that pursuit. Having observed that incident himself, he felt that clarity was very important. He asked the Chief when another agency is in the Sherwood jurisdiction, especially when they are from another county, what is the situation there? Do they have their own liability? The Chief explained that, that particular incident was the flashpoint for the work on this chapter. In discussing and reviewing that incident from the Officer level all the way through to the Chief's level, they discovered that there was a need for more clarity on what the Officers could and couldn't do. In that particular

incident, there was complete clarity that the Officers shouldn't get involved, but what they weren't sure about is whether or not they had the authority to tell Clackamas County to not pursue because they were coming in to Old Town, a popular area, on a Saturday morning. As they started looking through the policy, they realized that there was one area where it just wasn't clear. The Chief asked the Board Members to take a look at policy #307.6.2, Pursuits Extending Into This Jurisdiction, and went over the wording that was changed for clarity. He added that even if Sherwood PD asks another agency to terminate the pursuit, that doesn't mean that they have to. What is important to know, is that the community knows that the PD is looking out for them and they are going to exercise control. If somebody doesn't follow their guidance and something bad happens, at a minimum, the Sherwood community knows that the PD did what they could to try to protect and take care of them. It also limits the SPD's liability. He pointed out a consistent theme in their policy, "shall request the pursuit be terminated, anytime it is determined the risks of continuing outweighs the need for capture".

Mr. Dorsey asked what guidance was given to Officers in regards to requiring lights and sirens, etc., in the event of a pursuit and shared his concerns. The Chief explained that there are different requirements, based on what an Officer is responding to. When they are chasing somebody, they must have lights and sirens on. That is required by their policy. If a pursuit begins with a motorcycle, they are directed to get out of the pursuit as soon as someone else gets there. He then referenced policy #307.3.2, Vehicles Without Overhead Light Bars. He explained that some unmarked vehicles do have lights inside the vehicle, but not across the top on the outside and those vehicles are prohibited from pursuing another car, unless there is an immediate threat to human life. This is not only against their policy, but also against the law. He went on to state that in some emergency situations, they will want to get there quietly so they don't tip off the bad guy. It is extremely rare and provided some examples / scenarios for different situations where this would apply. In those situations, they don't have the authority to run red lights and Officers receive training on how to drive differently on those occasions.

Mr. West had a question for the Chief regarding policy #307.3.2 in regards to an incident that had occurred that last fall. He stated that he recalled the Chief had pulled someone over in his unmarked vehicle. If that person would have taken off, the Chief would have had to rely on someone else picking them up. Mr. West asked if that was correct. The Chief replied that was correct, unless it was an emergency situation. Mr. Dorsey asked if in the event of an Amber Alert, would that warrant the Chief pursuing in his unmarked car? The Chief replied that was correct. He added that, by Oregon standards, there has to be a very clear documented threat of harm to the child in order to get to an Amber Alert. Oregon has very stringent requirements before they'll issue an Amber Alert. The other thing that comes into play is that you now know there is a child in the car, it's not just the bad guy. If you get into a high-speed pursuit, there are risks involved with that and you

are now placing that child at risk. What he hopes people understand, as they go over these policies, is that it is never simple. Everything is incident and circumstance specific. As they say, “the devil is in the details”.

The Chief said that this is the information that their Officers and Supervisors are constantly weighing and considering to make the decisions that they need to make. This applies to not only vehicle pursuits, but tactical incidents, use of force incidents, and all of the different situations. As you consider that, the literally hundreds in a week – over the course of a year, thousands, etc. of those kinds of decisions that are made by Officers and the vast majority of the time, things go absolutely spot on right. Which is not to say that their profession is perfect, but they do get it right an awful lot of the time.

The Chief then proceeded with the next chapter review, #431, Medical Aid and Response. Language had been added regarding opiate overdose medication. The SPD uses NARCAN and explained that there may be other products out there. This is used when someone has overdosed on an opiate product. They can reverse that overdose with NARCAN. They call those “saves” and they have actually had several in Sherwood.

With no further questions or discussions, Vice Chair Foster asked for a motion to accept the updates. Mr. West moved that the Police Advisory Board accept the policy updates as presented. Ms. Thornton seconded the motion and all Board Members approved.

6. Traffic Safety Update (Chair & TSC Liaisons)

This discussion begins at the 1:01 minute mark on the YouTube video.

Mr. Smith stated that a presentation on Capital Improvement Projects (CIP) was given by the Community Development Director, Julia Hajduk, at the last TSC meeting. Many of the requests that had been given to them by Sherwood citizens were recommended to be added to the CIP List, which actually takes it away from the committee. A lot of issues that they deal with have to do with street parking in various areas. One of the topics discussed were concerns on Meinecke with the line of vision being obstructed on a walkway.

Mr. West added that having a better understanding of the Capital Improvement Process that the City goes through was very helpful. Some of the challenges that have been put before them are big expenditure deals, including some projects on Sunset Blvd. Maybe with the TSC’s input based on community submissions, it gives staff some added information when they put forward those CIP recommendations to City Council. It gave them a better understanding of what challenges the City staff has when putting some of that stuff together to solve real problems that are coming to them.

Mr. West reminded the Board that come the end of June, one of them may have the opportunity to experience the challenges and fulfillment of being on the Traffic Safety Committee, as he and

Mr. Smith's terms will be up. The Chief said that was a good reminder and that they will need to make a decision at the July meeting, who will transition to those positions on the TSC. In addition to that, they will need to make a decision on who will be the new Chair and Vice Chair on this Board.

7. Councilor News

Councilor Young reported that the City Council's Goal Setting Session planned for that upcoming Saturday had to be cancelled, as their Consultant lives in Texas. Due to inclement weather, there were no flights out to get them there.

They will have a Work Session in April to talk about the Woodhaven Residential Parking District. There is permit parking set up around the old high school, which was set up to prevent high school students from parking in front of everybody's houses. As the new High School is now constructed, there is no longer a need for that parking program in Woodhaven. She guesses that the discussion will be about getting those signs removed.

They had a Work Session at the end of their last City Council meeting that week. Representative Neron was present and went over what she is working on this legislative session.

Councilor Young shared that all of the City Councilors have other appointments and in addition to her serving on the Police Advisory Board, she also sits on the Washington County Policy Advisory Board for a Community Development Block Grant. This Board consists of one City Councilor or staff member from every city in Washington County. This policy advisory board gets funding and takes applications to determine how to divvy up that funding. The monies can go for public services, public facilities, infrastructure, and home projects. She wanted to give everyone an update on the last application process and stated that all of the applicants have to give a presentation to the board. All of the board members then evaluate the applications and all of the scores are tabulated to determine the ranking order. Some of where those monies are going this next fiscal year is for Community Action for eviction court prevention, which will help those facing eviction to get help in court. The Forest Grove Foundation is a coalition on rural homelessness. This is a new group that will help homeless folks out in Cornelius and Forest Grove, as there isn't a lot of help in those areas for homelessness. The Good Neighbor Center in Tigard will receive some funds for a program they're working on called "Work to Housing". They help their residents get training, whether in the medical field, trades, union, or apprenticeship programs, etc., so that once they're out of the Good Neighbor Center, they can get a stable job and into permanent housing. Some monies will also be going to the St. Vincent DePaul St. Anthony's, where they give assistance for rent and utilities. They are also funding two home projects this year for affordable housing projects. One is in Tigard and is for seniors and a pretty large project in Tualatin. She believes the one in Tualatin will be for about 392 units. The people that get into those units are at 30%-60% of the average income level. Some of the

infrastructure funding goes to the cities of Banks and Cornelius. These are worthy projects, especially given the COVID situation and people not having money for rent and utilities. She stated that it was a very strenuous evaluation process this year because there's just not enough money. There were four applicants who didn't get funding.

Chair Lohman let everyone know that he would need to leave the meeting at that point, 8:09 p.m.

8. Staff Report(s)

The conversation for this section begins at the 1:10 minute mark of the YouTube video.)

a. Use of Force Discussion

The Chief asked the Board to start having conversations with their friends, neighbors, and fellow community members on what thoughts they have on use of force. The Board has done this before with service levels and marijuana and lots of different things. He is looking for the same types of conversations. He wants to know how the community feels about situations where Officers may de-escalate or disengage. There is generally always a flip side when they decide to use a tactic to de-escalate or disengage. It may involve a person walking, or running. These are the conversations that they need to have. How does the community feel about this? He's not trying to say that the community needs to dictate right or wrong, per se, but thinks it's an important conversation and dialogue to have. After a couple months, they can go over some of the thoughts and ideas that folks bring back.

Ms. Zwingli stated that this has been discussed before, but as it is one of her biggest fears, she wanted to talk about it a bit more. Having a child on the spectrum, it is important to know that it wouldn't be obvious, unless an officer tried to talk to him and interact with him. Just to see him walking down the street there is nothing to say "I'm different". She asked the Chief what kind of training the agency is getting in order to recognize those who don't process things the same way.

The Chief replied that they are training Officers, across the state, and certainly in Sherwood, that there is no normal response. If an Officer approaches someone and they have an expectation of how that person should respond, then they will probably be disappointed. The CIT training that the Department has provided to their Officers, for at least a couple years, teaches the Officers that when they approach individuals from a mental health perspective, they don't identify what that means. It covers all forms of abilities, disabilities, challenges, behaviors, all of that, and would certainly include someone on the spectrum, who's not going to respond, potentially, like someone else. They are training Officers to understand that if someone reacts very loudly and aggressively, that may in fact be normal for that person. The Officer needs to then respond to them in a way that's going to get them out of that response and help them to

understand that they're in a safe situation. The Chief said that it was important to mention that a "mental health crisis" is a definition that covers all kinds of scenarios. It may cover someone who has a diagnosed condition that affects their mental health, such as more chronic diagnoses like schizophrenia or bi-polar. They also may come across someone whose symptoms are more acute, that might come on from a trauma or a substance or lack of a substance. They approach their training from a broad perspective. The other part of the training is about slowing down. They aren't going to rush into a situation. Their number one concern is not going to be to get someone in handcuffs and stuff them in the back of a car. They aren't going to look for victory at every turn. He went on to explain further. Depending on the situation, it may be that they just need to step back and not do anything. He added that trainings on this topic are constantly changing and evolving. Sadly, the mental health situation has changed dynamically in his 30-year career. He explained that when he started out as a Police Officer, they rarely ever went out on these types of calls. They were not the responsibility of the Police. Now, the Police are almost always the first responders for these types of calls. As a result, they've had to develop and locate training to deal with that. He let Ms. Zwingli know that they had just received a three-minute video tip from their policy manual provider related to this very topic, what to expect and what not to expect. Chief Groth stated that he hoped he had answered her question sufficiently.

Ms. Zwingli replied that he did address some of it and that it is a very complex, convoluted topic. She said that she tries to come up with ways for all of us to become more familiar with some of the things that people with differences struggle with on a day-to-day basis. She asked the Chief if the Officers ever get to immerse themselves and spend time with a number of people who are on the spectrum, who might be in facilities, group homes, etc. so they can see how people function. She explained that some Officers are on the more friendly side and some are more authoritative. The Officers that are more authoritative are going to have a more challenging time reaching someone who is on the spectrum. She gave examples of what is more effective with individuals like her son.

The Chief replied that it was going to be a difficult answer, but they are not able to spend the time like that and went on to explain the challenges. Officers don't have the time to address those types of issues when there are multiple issues that are equally important. They can't address, from a time perspective, all of them in that way. There are times when they can pick and choose different issues. He explained that if you talk to parents of children on the spectrum, it probably took them a matter of years to really identify how to deal with their child and how to be effective with their child. This is a challenge in policing because how would they do this with every scenario and every unique mental health type of condition? The clinicians that ride with the Officers on the Mental Health Response Team are master level clinicians and those are the people that they try to introduce into some of these difficult challenges. It is very difficult to expect that level of expertise and that level of training for Police Officers when there's so much that they have to be

responsible for to train. Not only are they expected to know how to respond to mental health issues, but they need to know how to respond to domestic violence issues, sexual assaults from a trauma informed perspective and many other situations. He stated that this was not an excuse, but the part of the challenges that they face. He agreed that this is as much a societal problem as it is a policing issue that needs to be addressed. The services and awareness aren't there and Police are called to several situations that they probably shouldn't be called to.

As soon as a situation gets to a crisis point, people pick up the phone and call 9-1-1. There are other numbers to call, but when someone starts acting out, those folks aren't going to show up. They're going to tell the caller to call the Police and that they'll show up once everything has calmed down and is safe. As a result, the Police are the ones that have to respond. This is a big challenge in policing and they're trying to respond and deal with these situations in the best way they can. Until they get an answer to what kind of training level and issue that they have, the best response for Officers is to slow down in some of these situations.

This comes back to why he would like the Board Members to start having conversations with different community members. How are community members going to feel if Officers just let these individuals go, if they're not posing a threat to others? They may have a knife and may be threatening to hurt themselves, but what if the Officer just lets them go? How is Sherwood going to feel about that? He provided some scenario based examples.

Chief Groth stated that this is a great, big, heavy basket that they have to lift and process through, when it comes to mental health. He thinks they're doing as good as they possibly can. However, there are a lot of improvements that need to be made. The place where policing needs to change their thinking and improve first and foremost, with a lot of these situations, is to slow down and ask themselves, "does this need to end in handcuffs, right now?" Maybe it can wait for two hours or until the next day. He feels that if they just slow down, in general, that would solve a lot of other problems as well.

Mr. Dorsey suggested that they could have someone come and talk about this topic at one of the Board Meetings. He has had the honor of doing this at the SPD and a fabulous conversation was had. It was really helpful to both the community and the Police Department. There might be an opportunity there.

Mr. West said that this discussion reminded him of what he had seen on the news the last couple of nights. Fred Meyer had thrown out food which outraged some of the public. As a result, the Portland Police were called regarding people taking food out of the garbage dumpsters. He said it was a difficult situation, but they didn't want people getting sick

from eating the food. There were liabilities all around. This is another one of those scenarios where he couldn't see a win situation, where public safety is involved. The Chief said that Mr. West made a good point and shared his feelings on that situation.

b. Vaccination Update

The Chief stated that he thinks the PD staff is pretty much done with getting the vaccinations, those that opted to have them, anyway. There were multiple members of the department that had to take some time to recover after the second dose. He feels very fortunate to have been able to receive the vaccine. Having to go through a day, or so, of bodily reactions was certainly worth the benefit of being vaccinated.

c. Hiring Update

The Chief reported that they had two open positions and have filled one of the two. They have hired their Reserve Officer, Paul Mattson. His first day is the next Monday. As he is a Recruit Officer, he is scheduled to go to the Police Academy in the middle of March. They have one position left with no qualified applicants so are starting the process over again. A recruitment has been opened for a Lateral Police Officer. He asked the Board to help get the word out.

9. Citizen Comment

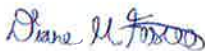
N/A

10. Adjourn (Chair)

Ms. Thornton moved that they adjourn the meeting 8:37 p.m. and Ms. Zwingli seconded the motion.

The next meeting is scheduled for March 18th at 7 p.m.

Approval of Minutes:



03/19/2021

Vice Chair Diane Foster

Date

Attest:



3/19/2021

Angie Hass, Executive Assistant

Date

**Sherwood Police Advisory Board
Police Policy Update Report**

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 March 2021 updates contain several changes to statutory coding, as well as a complete re-numbering of the policy manual so the numerical order makes more sense.

The updates are as follows;

- Re-Numbering: At Lexipol's recommendation, the entire policy manual was re-numbered to eliminate blank chapters and create a more cohesive numerical order.
- 100-Law Enforcement Authority: this policy was updated by Lexipol to correct a statutory number reference and to replace the term "department" with "agency".
- 300-Use of Force: this policy was updated by Lexipol to correct several statutory number references, make improvements in language and to add additional new language regarding respiratory restraints.
- 307-Vehicle Pursuits: this policy was updated by Sherwood Police Department Staff, with review and assistance by City Attorney Josh Soper, to add clarity regarding when to initiate and terminate pursuits and who can exercise control over pursuits. In short the updates make the policy more restrictive and add additional control and clarity.
- 431-Medical Aid and Response: this policy was updated by Lexipol to add language regarding the administration of Opioid overdose medication and to clarify the requirement to provide first aid training.
- 600-Investigation and Prosecution: this policy was updated by Lexipol to correct statutory number references and make language improvements.
- 806-Protected Information: this policy was updated by Lexipol to correct a statutory number reference.
- 1018-Fitness for Duty: this policy was updated by Lexipol to correct a statutory number reference.

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 Groth.

With Police Advisory Board approval and recommendation these updates will be brought to Sherwood City Council for review and approval at their March 2nd regular meeting. Once approved a copy of the updated manual will be uploaded to the PD website.

Recommendation:

Staff respectfully recommends the Police Advisory Board approve the policy updates.

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 PEACE OFFICER POWERS

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

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

100.3.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

- (a) A peace officer may arrest a person for a crime at any hour of any day or night.
- (b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of the peace officer's employment, and the peace officer may make the arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight, or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under 2020 Oregon Laws c. 3, § 7, 2020 Oregon Laws c. 3, § 8, and ORS 161.245.
- (e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.
- (f) If after giving notice of the peace officer's identity, authority, and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.

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

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).
- (c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

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

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300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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

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

300.2.1 DUTY TO INTERCEDE AND REPORT

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

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

300.2.2 STATE REPORTING REQUIREMENTS

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

300.2.3 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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

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300.3.1 USE OF FORCE - JUSTIFICATION

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (2020 Oregon Laws c. 3, § 7):

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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300.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (2020 Oregon Laws c. 3, § 7; 2020 Oregon Laws c. 3, § 8).

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.5 CHOKE HOLDS

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

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.7 VERBAL WARNING PRIOR TO USE OF FORCE

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

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300.3.8 RESPIRATORY RESTRAINTS

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

300.3.5..

300.4 DEADLY FORCE APPLICATIONS

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

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk (2020 Oregon Laws c. 3, § 8):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (c) An officer may use deadly force to make a lawful arrest when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.
- (d) An officer may use deadly force to prevent a person from escaping custody when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

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

300.4.1 MOVING VEHICLES

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

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

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

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

300.5 REPORTING THE USE OF FORCE

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

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

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

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

300.6 MEDICAL CONSIDERATIONS

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

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

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witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired and in accordance with the established records retention schedule.
- (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.

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1. These photographs should be retained until all potential for civil litigation has expired and in accordance with the established records retention schedule.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

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

300.8 TRAINING

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

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

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

300.9 ANNUAL REVIEW

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

300.10 USE OF FORCE ANALYSIS

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

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

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- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

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

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

307.1.1 POLICE PURSUIT DEFINED

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

307.2 OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit Officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are not legally required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

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307.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect has committed a crime involving violence and/or risk of serious harm to a person and is attempting to evade arrest or detention by fleeing in a vehicle.

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

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

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307.2.2 WHEN TO TERMINATE A PURSUIT

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

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

In addition to the factors listed in the When to Initiate a Pursuit subsection of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicles is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer known because the officer loses sight of it.
- (c) Officer's pursuit vehicle is involved in any type of crash or sustains any type of damage.
- (d) Extended pursuits of violators for misdemeanors (independent of the pursuit) are prohibited.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers shall terminate the pursuit and apprehend the offender at a later time.
- (g) Direction from a supervisor or other Sherwood officer.

307.2.3 SPEED LIMITS

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

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

- (a) Whether the pursuit speeds are unsafe for the surrounding conditions.
- (b) Whether the speeds being reached are beyond the driving ability of the officer.

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- (c) Whether the speeds are beyond the capabilities of the police vehicle thus making its operation unsafe.

307.3 PURSUIT UNITS

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

307.3.1 MOTORCYCLE OFFICERS

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

307.3.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

Department vehicles not equipped with emergency lights and sirens are prohibited from initiating or joining in any pursuit, unless there is no other reasonable alternative and either authorized by a supervisor or human life is in immediate danger. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

307.3.3 PRIMARY UNIT RESPONSIBILITIES

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

The pursuing officer shall notify Dispatch that a vehicle pursuit has been initiated, by clearly stating their patrol number followed by, "I'm in pursuit", and as soon as practical provide information including, but not limited to:

- (a) Reason for the initial traffic stop.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

307.3.4 SECONDARY UNITS RESPONSIBILITIES

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

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

307.3.5 PURSUIT DRIVING TACTICS

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

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

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307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

307.3.7 PURSUIT TRAILING

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

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

307.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Exercising management and control of the pursuit.
- (c) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (d) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (e) Ensuring that aircraft are requested if available.
- (f) Ensuring that the proper radio channel is being used.

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- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage SPD units when a pursuit enters another jurisdiction.
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes (supervisors only).

307.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available and reasonable, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.5.1 COMMUNICATION CENTER RESPONSIBILITIES

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

- (a) Clear the channel on which the pursuit is being broadcast.
- (b) Coordinate pursuit communications of the involved units and personnel.
- (c) Notify and coordinate with other involved or affected agencies as practical.
- (d) Ensure that a field supervisor is notified of the pursuit.
- (e) Assign an incident number and log all pursuit activities.
- (f) Broadcast pursuit updates as well as other pertinent information as necessary.
- (g) Notify the Shift Supervisor as soon as practical.

307.5.2 LOSS OF PURSUED VEHICLE

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

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, and in accordance with Inter-Agency Pursuit Agreements, shall request, when appropriate, the other agency assume the pursuit. If that agency refuses to assist the pursuit shall be terminated unless authorized by a supervisor to continue.

Anytime a pursuit enters, or is expected to enter another jurisdiction, no matter how brief, it is required that the primary officer or supervisor ensure that notification is provided to each outside

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jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this agency is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor or officer in charge, to the termination point to assist in the investigation.

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit must be specific.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

In the event that a pursuit from another agency enters this jurisdiction, the on-duty supervisor, or officer in charge, or if unavailable, any police officer, shall request the pursuit be terminated anytime it is determined the risks of continuing outweighs the need for capture, in accordance with policy 307.2.2.

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department shall not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit and authorized by a supervisor or officer in charge.

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

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

The Shift Supervisor, after consideration of the above factors, may decline to take over the other agency's pursuit.

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

Assistance to a pursuing allied agency by officers of this department will generally terminate at the City limits; ongoing participation from this department may continue only when authorized by a supervisor or officer in charge.

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

307.7 PURSUIT INTERVENTION

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

307.7.1 WHEN USE AUTHORIZED

Officers are authorized to use only the intervention tactics they have been trained to use. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. The decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision and must be authorized by a supervisor or officer in charge, as outlined in policy 307.7.4.

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

307.7.2 DEFINITIONS

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

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

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

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

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

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

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307.7.3 USE OF FIREARMS

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

307.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Considerations include:

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a significant threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed with prior approval of a supervisor, after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer or public safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor or officer in charge upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a suspect vehicle, whether fleeing or not shall be considered a use of deadly force and the tactic shall only be used when the suspect has committed a violent felony, presents an immediate and significant threat to the community, all other alternatives have been exhausted and there exists a need for immediate apprehension to save lives and/or protect the community. Ramming must have prior supervisor approval.
- (d) Boxing In. As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

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- (e) Spike Strips. The use of spike strips shall be approved in advance by a supervisor or officer in charge and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. Officers shall not use spike strips if the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children.

307.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

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

307.8 REPORTING REQUIREMENTS

Reports should be completed to comply with appropriate local and state regulations:

- (a) The primary officer shall complete appropriate agency reports
- (b) A field supervisor shall complete a pursuit review summarizing the pursuit to his/her department manager to evaluate the pursuit in terms of Department policy. The review shall minimally contain the following information:
 1. Date and time of pursuit.
 2. Length of pursuit.
 3. Involved units and officers.
 4. Initial reason for pursuit.
 5. Starting and termination points.
 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
 7. Injuries and/or property damage.
 8. Medical treatment.
 9. Name of supervisor at scene.
 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
 11. Determine the need for any additional review and/or follow up.

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this

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policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. It shall be the responsibility of the Patrol Commander to ensure the training takes place.

307.8.2 POLICY REVIEW

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

307.8.3 ANNUAL REVIEW

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

Medical Aid and Response

431.1 PURPOSE AND SCOPE

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

431.2 POLICY

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

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

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

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

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

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

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

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

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

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431.4 TRANSPORTING ILL AND INJURED PERSONS

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

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

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

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

431.5 PERSONS REFUSING EMS CARE

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

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

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

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

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

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

431.6 SICK OR INJURED ARRESTEE

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

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

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

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

431.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

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

431.8 AIR AMBULANCE

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

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

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

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

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

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- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

431.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

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

431.9.1 AED USER RESPONSIBILITY

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

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

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

431.9.2 AED REPORTING

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

431.9.3 AED TRAINING AND MAINTENANCE

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

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

431.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

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

431.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

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

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

431.10.2 OPIOID OVERDOSE MEDICATION REPORTING

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

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

431.10.3 OPIOID OVERDOSE MEDICATION TRAINING

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

431.11 ADMINISTRATION OF EPINEPHRINE

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

431.11.1 EPINEPHRINE USER RESPONSIBILITIES

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

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

431.11.2 EPINEPHRINE REPORTING

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

431.11.3 EPINEPHRINE TRAINING

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

431.12 FIRST AID TRAINING

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

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 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.

600.3 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

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or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

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).

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).

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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.
 - 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.

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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 agency. 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 agency equipment.

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

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any agency 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

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Commander or the Police Chief. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the City of Sherwood Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the City of Sherwood Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the City of Sherwood Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Police Chief shall select a member of the Agency to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and Law Enforcement Data System (LEDS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, City of Sherwood Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 ACCESS TO OREGON STATE PATROL OFFENDER INFORMATION

Access to Oregon State Patrol (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Captain for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other agency members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

An individual may review his/her local record on file with the Agency under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This agency will not release information originated by any other agency (ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

806.6 SECURITY OF PROTECTED INFORMATION

The Police Chief will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Police Chief and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.7.1 LEDS TRAINING

All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member's duties. Each member who operates a terminal to access LEDS must be re-certified by the Agency every two years (OAR 257-015-0050).

Fitness for Duty

1018.1 PURPOSE AND SCOPE

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

1018.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this agency to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
- (b) Each member of this agency shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so. The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.
- (f) All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

1018.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

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- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Supervisor or employee's available Section Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Police Chief shall be promptly notified in the event that any employee is relieved from duty.

1018.4 NON-WORK RELATED CONDITIONS

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

1018.5 WORK RELATED CONDITIONS

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

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

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

1018.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Police Chief may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Agency with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties.
- (c) In order to facilitate the examination of any employee, the Agency will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

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- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1018.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

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

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

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

1018.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

1018.9 MENTAL HEALTH WELLNESS PROGRAM

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