



# **POLICE ADVISORY BOARD MEETING PACKET**

*(\*Amended 2/18/2021 @ 11:45 a.m.)*

FOR

**Thursday, February 18, 2021  
7 p.m.**

**Meeting held virtually through Teams.**

**Pursuant to House Bill 4212 (2020), this  
meeting will be conducted electronically and  
will be live streamed at**

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

*\*Updated Police Policy Update Report and Policy 307, Vehicle Pursuits.*



## AGENDA

### Police Advisory Board

<b>Date &amp; Time:</b>	Thursday - February 18, 2021 7:00pm
<b>Location:</b>	Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at <a href="https://www.youtube.com/user/CityofSherwood">https://www.youtube.com/user/CityofSherwood</a> .

#### Attendees

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

#### Agenda

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of Minutes (Chair)
4. Board Member Announcements (Chair)
5. Business (Chair)
  - a. Term Expiration Update
  - b. Police Policy Updates-report & policy copies attached
6. Traffic Safety Update (Chair & TSC Liaisons)
7. Councilor News
8. Staff Report(s)
  - a. Use of Force discussion
  - b. Vaccination update
  - c. Hiring update
9. Citizen Comment

*Pursuant to Executive Order 20-16, citizen comments must be submitted in writing to:*

[hassa@sherwoodoregon.gov](mailto:hassa@sherwoodoregon.gov). To be included in the record for this meeting, the email must clearly state that it is intended as a citizen comment for this meeting and must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

10. Adjourn (Chair)

## Sherwood Police Advisory Board Police Policy Update Report

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### **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". *This policy is attached as Exhibit A*
- 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. *This policy is attached as Exhibit B*
- 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. *This policy is attached as Exhibit C*
- 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. *This policy is attached as Exhibit D*
- 600-Investigation and Prosecution: this policy was updated by Lexipol to correct statutory number references and make language improvements. *This policy is attached as Exhibit E*
- 806-Protected Information: this policy was updated by Lexipol to correct a statutory number reference. *This policy is attached as Exhibit F*
- 1018-Fitness for Duty: this policy was updated by Lexipol to correct a statutory number reference. *This policy is attached as Exhibit G*

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 2<sup>nd</sup> 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).

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this 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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### *Vehicle Pursuits*

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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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## *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).



# Meeting Minutes

## DRAFT



<b>Police Advisory Board</b>	
<b>Date &amp; Time:</b>	January 21, 2021 - 7:00 pm
<b>Location:</b>	Meeting held virtually through Teams.



<b>P.A.B. Members:</b>	<b>Council Liaison:</b>
Ralph Lohman - Chair	Councilor Kim Young
Diane Foster - Vice Chair	<b>City Staff:</b>
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=b9vwzWRCtb8>

### 1. Call to Order

Chair Lohman called the meeting to order at 7:03 p.m.

### 2. Roll Call

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

**Board Members Absent:** Rich Miller

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

### 3. Approval of Minutes

**December 17, 2020 Meeting Minutes**

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

#### **4. Board Member Announcements (Chair)**

Mr. West shared an incident that occurred in Tigard, earlier that month. The incident involved an officer involved shooting on Bonita Road and stated that it was a little too close to home. In part, because he and his wife had lived in the apartment complex, many years ago, where it took place and because of the work he is doing with the City of Tigard. His heart went out to the Tigard PD Chief and Officers and the community. Unfortunately, they had some protests the following night that impacted not only City of Tigard businesses, but also the Tigard PD and City Hall. Because of the work that he does on this Board, reviewing police policies and procedures, he felt that he was better prepared to offer advice to the Board that he serves on for the City of Tigard.

Ms. Thornton was happy to share that some of her relatives had received the COVID vaccine that week.

Mr. Smith asked Mr. West if he could let him know where he might learn more about the incident that he spoke of, as he was not aware. Mr. West stated that he should be able to look it up on-line. It should be in the Tigard Times. It was the first officer involved shooting in Tigard in approximately 20 years. Councilor Young added that the City of Tigard did a really good job of updating their Facebook pages, as well, with their press releases, etc.

Mr. Silverforb shared that several weeks ago, he and his wife took a Senior Safe Driving Class on-line through AARP. It lasts approximately 8 hours and covers all of the reminders that we need. It covers technology in cars and how to use it. It zeros in on how to be a better driver. It was a good refresher and they picked up a lot of good information from it. He recommended it to anyone who is a member of AARP.

Mr. Silverforb said that if the City decided to go to Zoom for the boards and commissions meetings, he would be all for it. He felt that Zoom was a better platform for these types of meetings.

Mr. Dorsey said that it has been a crazy start to the year, but we have a wonderful city, leadership and SPD staff. He was able to speak to our preparedness. He had spoken to several restless neighbors and friends about what might happen with the inauguration and possible protests. He was very thrilled and his heart was warmed to see that none of that made its way into Sherwood and very little into Portland. He is looking forward to moving ahead, making great progress and seeing our Board do some great things this year.

Vice Chair Foster is hopeful for the teacher in her household to be able to get the vaccine in the coming week, or so. She wanted to give a shout out to the Sherwood School Board and the teachers that are constantly shifting and moving to the new matrix and what the new return to

school is for them. She had watched the on-line Sherwood School District Board meeting the night before and that morning. There is over three hours of good information. Everybody is being really flexible and working with what they have right now. Everybody is working hard to make it possible to return to school safely.

Chair Lohman echoed everything that had been said and he continues to be so appreciative of where he lives, specifically in Sherwood. Even with all of the give and take of COVID, for the last year now, he has a whole lot to be thankful for and a lot to look forward to.

## **5. Business (Chair)**

### **a. SWOT Report Update – No meeting scheduled**

See Exhibit A. Chair Lohman asked everyone to take a look at the completed 2020 SWOT Report that was included in their meeting packets.

The Chief stated that this report had been worked on at the last PAB meeting, 12/17/2020. He explained that the format is the same as it has been for several years and is consistent across all boards and commissions. Everybody's reports, in theory, should basically look the same way. They are laid out to represent strengths, weaknesses, opportunities and threats, as well as cover three of the most significant accomplishments over the past year (2020) and highlight three goals for the upcoming year (2021). The Chief proceeded to read aloud, the completed report for the Board. He added that there was no significance to the listing, as they were not numbered.

He offered an explanation on one of the strengths listed, "We represent a cross section of the Sherwood Community", as one of the Board Members had come to him with a question on that. The Board had chosen this as a strength, as their members represent different segments of the community, such as young families, retired families, children at home, empty nesters, faith community and business community. The Board consists of a good gambit of representation.

Ms. Thornton felt that the Board could be even more diverse and explained what she'd like to see different. She felt that this could be listed as a weakness. Chair Lohman shared with Ms. Thornton how the Board Member recruitment process works and that they can only recruit folks who apply to be on the Board. They have to work with the mix that comes to them and they try to pick the best person. He stated that in the last recruitment there were 11 applicants and of those, only one female. He said that when there is another vacancy on the Board, perhaps the Board could start soliciting for applicants. Diversity just for the sake of diversity isn't the best route to take. Councilor Young added that when they've done applicant interviews in the past, they've always taken these things into consideration, but it also has to be the best person for the position. That is the most important.

Mr. Silverforb added that when this Board was first set up there were different requirements, such as business people, faith community, retired people, etc. – a cross section of the Sherwood community. The initial Board was pretty much set up like that. He recognizes that when there's an opening, not everyone that you might want are going to apply. He is aware that there are a lot of other boards and commissions that are anxious for people to join them, also. For the next opening that they have, they may want to pull out that list and take a look at the cross sections. He felt that worked pretty well. As far as he is aware, none of the other boards and commissions look at that and felt that it is more important to have that diversity on this Board.

Relative to Mr. Silverforb's comment, the Chief stated that they are still very close to that original language with representation from different segments of the community. They don't currently have a youth member. They have had two over the years and since then have had difficulty getting others to apply or express an interest. Once school's back in session, they will have that conduit to try to drum up some interest. Part of the problem is it is hard for students to be around for three years. If they join as a Junior, they are there for two years and then go off to college, etc.

The Chief proceeded to read aloud the remainder of the completed 2020 SWOT Report.

#### **6. Traffic Safety Update (Chair & TSC Liaisons)**

Mr. West said that they are plowing through requests they are receiving from Sherwood citizens. There are no easy answers for these requests and it is becoming obvious why the City Council wanted a Traffic Safety Committee to address, at least at some level, these challenges that City staff has been dealing with. He felt good about what they're doing and the discussions they are having. They are getting really good input from City staff.

Mr. Smith agreed with Mr. West and he felt that it is going very well. The last meeting was December 10<sup>th</sup> and the Committee completed their 2020 SWOT Report as well. He gave a shout out to the City Engineer, Bob Galati. Whenever they have any questions on one of the situations they're talking about and need research completed, Mr. Galati is the one who does that. When there was a request for changes on SW Meinecke Parkway, they received eight pages of information from him. It was really pertinent data which helps the Committee to make good decisions. On the TSC SWOT Report, it shows that they had received 14 citizen complaints and they had made decisions on eight of those, four were pending and two were still to be reviewed. They've made some really good progress on complaints that have come through and have had some really interesting discussions during the sessions.

Chair Lohman asked how the responses are when the feedback is shared with the requestors. Mr. Smith referred to Ms. Hass as she is the one that communicates with the requestors. She stated that for the most part, a lot of them watch the YouTube videos because they are curious

about how the conversation is going to go. Sometimes they are disappointed, but there is also good information provided. She felt that in some cases when a request is denied, folks are pretty understanding.

Chief Groth said that what he really appreciates, as a career Police Officer and a Police Leader for over a decade, is the community engagement component of both the Police Advisory Board and the Traffic Safety Committee. When they talk about policing, one of the things that they strive for is to legitimize policing. He gave some examples of legitimizing and how, even if the decision made isn't what they wanted, people feel better when they are part of the process. He used that analogy to talk about policing, community policing, and community engagement. He explained that with the Board and Committee, they've established a process where community members can share concerns and are allowed to be part of the process. The opportunities for engagement have been affected, due to COVID. However, at some point, things will get back to normal.

When people engage and they gain understanding, they build trust and it legitimizes that process. He gave an example of when a traffic safety complaint/request is scheduled for discussion at an upcoming meeting, the requestors are notified ahead of time so that they can watch the meeting live or recorded. Even if their request is denied, they often times say "thank you for all the work you did" and that they understand, even if they are disappointed. This process is legitimizing the complaint they had and builds legitimacy into the entire process. This is what engagement is all about. When he talks about relational policing and building relationships with the community, that is what they're hitting at and what his team is focused on – establishing relationships, providing opportunities for community members to engage with them. They may not agree with the outcome every time, but when they know that they have a voice and an opportunity to be involved with the process, it establishes that legitimacy. When they first talked about forming the Police Advisory Board, this was what it was all about - to provide that level of engagement that did not exist presently. He shared how the idea of the forming the Traffic Safety Committee came about.

Mr. West shared his experience with the City of Tigard Board and stated that it was this last summer with the awareness of the national debate over policing that the Tigard City Council came to the recognition that they needed to have a citizen committee. As a result, they formed a Public Safety Committee. It is not the same as the Sherwood Police Advisory Board, but there is some cross over. They had only met two times before the officer involved shooting happened. He stated that he was grateful for the time that they've had in engaging the community in these important discussions and was glad that the City of Tigard recognized the need too and wished them luck.

## **7. Councilor News**

Councilor Young reported that at their first City Council January meeting, they had a swearing-in ceremony, via Zoom and it was interesting. Judge Jack was there and swore in three City



Councilors and the Mayor. Councilor Tim Rosener was elected to continue his role as Council President. She explained that he and Mayor Mays work really well together and that when the Mayor is not able to be present, the Council President fills in.

A Work Session is scheduled for February 2<sup>nd</sup> to talk about the pedestrian bridge planning. While they are looking for funding, they are still moving forward with some sort of planning.

At the next meeting, they will be approving Council Liaisons, which is what she is to the Police Advisory Board. Councilor Young said that she really enjoys being the Liaison for the PAB and will be continuing in that role. She added that all of the Councilors really like their current assignments and will remain on the same Boards, which is nice to be able to have that continuity.

There is a housing survey out right now to get input from residents. She explained that it is basically to help with some design standards for possible development code amendments to support a range of community housing choices. This is all in response to House Bill 2001 that was signed a couple years ago, with the requirement that up to four dwelling units can now be on a single-family residential lot, regardless of the size or the capacity of the infrastructure. The City Council had actually opposed this Bill and did a resolution opposing it, because it really takes City planning out of the hands of the cities. They are moving forward with it and are trying to get their own design standards in before any are inflicted upon them so that the City can make their own planning of what the housing choices should look like in the City of Sherwood. There are ideas of duplexes, quad-plexes, cottage clusters, etc. They would really like input and asked the Board Members to participate, if they can, and help to get the word out.

Municipal Court has been opened and closed, etc. over the last year. When it was open they held sessions at the Arts Center, due to more space. Logistically, however, that was more difficult for the staff and then when there was the two-week freeze, they had to close the Court down again. Beginning this (or last) week, they are holding court sessions virtually. A couple of our neighboring cities having been holding court virtually and have been helping the Sherwood Municipal Court to get up and going so that they can continue with the backlog of their court cases.

On the next City Council meeting agenda, they will be asked to approve an IGA that allows multiple law enforcement agencies to share police records. Councilor Young stated that the SPD uses Mark43 as their records management system and some of Sherwood's neighboring cities desire to share records in order to enhance public safety. She asked the Chief if he'd like to chime in on that.

Chief Groth explained that there are two IGA's scheduled to go on consent the next week. Several agencies in Washington, Clackamas and Marion Counties, as well as the Clark County Sheriff's Office, have begun using Mark43 as their records management system. He went on to explain how Mark43 works for viewing data from other agencies. In order to do that, they have



to have a written agreement that allows different users to view the data that other people load into the system. It's a pretty simple intergovernmental agreement between multiple agencies and that will mean that from an operational perspective, if Sherwood Officers are working an investigation, they can go into the system and see that there's a police report concerning an individual from another agency and they may find useful information in that. It will only allow viewing and they will not have any access beyond that. He explained that this is a very common practice and it happens all across the state and the country with different records systems.

The other IGA is a towing agreement with Washington County. For years, Washington County has managed the towing services for all of the agencies, which gives them a couple benefits. It creates efficiencies and saves staff time and resources to solicit, negotiate, and procure towing contracts on our own. Washington County does that as part of the agreement and establishes agreements with the different tow companies. More recently, there have been some challenges in getting the tow companies interested in towing abandoned vehicles because it can be financially burdensome to tow a broken down car that has no value. He went on to explain the benefits of having the towing agreement for all Washington County agencies.

Councilor Young said that in reviewing the 2021 Legislative Session Bills, there was one in particular that she wanted to comment on, Senate Bill 238. If passed, this Bill would prohibit school boards, or superintendents from approving contracts or other agreements to provide for members of law enforcement agencies to be assigned to schools or the school district. This Bill would prohibit School Resource Officers. So far, it's had its first reading and has been referred to Education. She doesn't know where it's going, but thought that it is something to keep an eye on.

The Chief added that this is reflective of a position that has been around for a while. It has momentum, then it doesn't and has fluctuated over the decades. The position is basically that Police Officers serving in a School Resource Officer or School Liaison position have an adverse affect on children for any number of reasons that, in his professional opinion, are invalid. He's worked in two different agencies in Washington County, both of which have had Police Officers in the schools. Both programs have been widely popular. He, himself, worked at Tualatin High School for four years as a School Resource Officer and has relationships, to this day, with some of the students that he knew when he was there, including one that is currently a Police Officer with the SPD. There are a lot of arguments as to why it's a bad idea, but he doesn't agree with any of them. He feels this is horrible legislation and basically outlaws SRO's, plain and simple. It allows police to be called if there is an eminent threat of harm and that's it. Outside of that, you're not engaged with the school setting or the building. It seems absolutely counterintuitive. Mr. Dorsey and he have spoken about this. When people are talking about improving policing and making policing more accessible to those that are less advantaged, or for disproportionate youth, what better place to do that than where kids are spending a significant majority of their time nine months out of the year. What better way is there than to have a Police Officer kneel down to the level of a third grader or walk down the hall with a sixth grader. He knows there are

horror stories and bad Officers in schools. He has not experienced that. He's experienced the exact opposite. He never fought a kid in school and can count on one hand the number of times he saw a kid walk out of a school in handcuffs. One was a practical joke and was staged by the student as part of a project they were doing. The other times they were young people that were dangerous and they were being arrested for felony crimes. They were treated professionally and kindly, but they needed to be in restraints because they were under arrest for a serious crime.

He also noted that the Tigard-Tualatin School District just went through a very thorough community input and listening session to explore this topic and as a result of feedback and input from the community, they made the decision to retain their School Resource Officer Program in the Tigard and Tualatin schools. He thinks there may be some changes and improvements made in those various programs, which is certainly welcome.

This is a decision that should be made by the local communities and should not be determined at a State level and has no business, whatsoever, being in State Statute. The League of Oregon Cities, the Oregon Association of Chiefs of Police, Oregon State Sheriffs Association, including the City of Sherwood will be lobbying hard against this Bill. It certainly wouldn't hurt if every person within the sound of his voice, would contact their legislature and share their thoughts on this. Councilor Young stated that when she was made aware of this Bill, she let the City Manager and Council President know. Council President Rosener asked the City Manager if he could put it in front of the City Lobbyists so they could keep it on their list of Bills that they're tracking. She appreciated the Chief's input on that subject and thanked him.

The Chief stated that the other important thing to note is Bills that are filed, pre-session, are like the old adage of throwing spaghetti noodles against the wall to see what sticks.

Mr. West added that this is coming out of Portland and from the representatives in Portland. The Portland Public Schools have pulled their agreement with the Portland PD Resource Officers, along with Multnomah County. They've already made their decision as a result of things that went on last year. That is part of what is driving it. He hopes that it doesn't go anywhere, too.

## **8. Staff Report(s)**

The Chief explained that the reason there was not a policy review scheduled for that meeting was because they are in the middle of a policy update process. The Use of Force policy is being updated once again, as a result of additional legislative tweaks that Lexipol is catching up with. In addition, there will be another couple updates that are agency updates. This includes the pursuit policy. Also – the entire policy has been renumbered and explained how that came to be.

## **a. Vaccination Update**

The Police Department has undergone their first round of vaccinations through Tualatin Valley Fire and Rescue (TVF&R). TVF&R is the push partner for Washington County's First Responders and are the ones to administer the vaccinations. The vaccinations aren't mandatory, which was the position the City took on that. If folks wanted the vaccination, they went and got it. Since it is the subject of a medical procedure, it's not something that they can talk about, so he can't report on who has and who hasn't had the vaccine. If anyone wants to volunteer that information for themselves, they are welcome to. He reported that he had received his first shot and was waiting for round two. He shared that there is information out there now that one shot of the vaccination is showing very promising efficacy against the virus. If there is a shortage of vaccines, they may choose to just give folks one shot.

Ms. Thornton thought it was odd that public officials wouldn't be required to get a vaccination. Similar to school children being required to get vaccinations. If part of their job is to interact with the public and they are essential workers, it seems that it should be a requirement. The Chief stated that there is a lot for an employer requiring any kind of medical procedure by one of their employees. The other thing to consider is that not everyone is in the same boat as far as their susceptibility or the potential impacts as a result of the environment. Councilor Young added that as far as the City Council goes, they weren't included in making that decision. Mr. West stated that BOLI published a notice that under both Federal and Oregon law, employers may require people to get vaccinated, with limited exceptions. There is still a lot of debate about it. The Chief said that there is a big difference between may require, should require and want to require.

Having years of experience in Human Resources, Mr. Silverforb shared a bit from a similar situation back when the AIDS crisis was upon us. He was working in California at the time and there was still so much unknown. He had employees that refused to use the same phone or desk with someone who had AIDS. It was a real problem. He would not want to be an employer today that dictated that every one of his employees has to be vaccinated. He thinks there would be a lot of legal ramifications to that. It is a real hot bed. If you have a group of employees that are dealing, all the time in their job, with individuals walking in from outside, and the employer says that you need to either wear a mask or get a shot, or both, and the employee says no I will not do that. The employer could say, then we are going to put you in another job. Safety is the number one concern and if you're dealing with, face to face, then you're going to have to do what we tell you. It's an open issue regardless of what BOLI says. He said that this is similar to wanting employees to get the flu shot and stated that when he worked in California, they wanted all of their employees to get the flu shot. He explained that even though his company made it easy for their employees to get the shot, there were several, with several different reasons, that refused to get the shot. It will be interesting to see what happens.

## **b. Hiring Update**

The Chief said that they are still working on filling two remaining positions. They have two individuals in the process. One that is very near the end of the process and may in fact have the job before long and another that is not quite as close. He will keep the Board posted on those. If either of the applicants end up washing out, they will need to open the recruitment back up again and start over. Councilor Young asked if either of the applicants are laterals. The Chief replied that one is considered a lateral and the other would need to go to the Academy.

Mr. Smith asked the Chief if there have been any impacts yet regarding recreational marijuana. The Chief replied that it may be too early to tell and there hasn't really been any suggestion that there's going to be much of an impact because of our history with medical marijuana and already having a facility in town. He didn't anticipate that they will see an increase in the number of facilities when they add recreational. It will come down to how many outlets they end up with in the City. He has no grave concerns.

He has far more grave concerns with Ballot Measure 110 than he does with recreational marijuana. They are beginning to get legal interpretations and updates on exactly what they can and cannot do in regards to Ballot Measure 110 and it is significant. It will have a significant impact on your Police Officers ability to investigate and address drugs in the community and provided examples for clarification. Twice in the last few months, SPD Officers have encountered individuals with large quantities of drugs. One that he posted about on Facebook had 30 grams of methamphetamine on their person. This Ballot Measure is going to have huge impacts on policing around the State. These are dangerous drugs: cocaine, methamphetamine, heroin, and LSD.

Mr. West asked the Chief what his feelings were regarding the Governor's proposal to close 3-4 prisons in the State system. With some of the work he's done, Mr. West is aware that some of the smaller counties have had to ship their prisoners to other counties. He doesn't know how they can afford to close 3-4 prisons. The Chief replied that some of the discussions around prisons and prisoners bed space are pretty deep and significant conversations. They have to do with types of crime, procedural justice, etc. The argument has been made that there are many people in prison that perhaps shouldn't be in prison. A lot of money has been invested in justice reinvestment, which is taking money from prisons and funding programs that work with offenders to keep them out of trouble and try to have more success at rehabilitating them. There are a lot of things wrapped up in those decisions and he's not going to speak against the Governor. It's a topic that he didn't feel he could really do justice to. He really encourages folks to look into and do some of their own research. There are a lot of procedural and criminal justice initiatives that have a lot of traction. He believes with user amounts of narcotics, they've taken some good steps with trying to get those folks treatment and help as opposed to just locking them up. He referred to Ballot Measure 110 and stated that they need to wait and see what happens. See if that really turns into more treatment beds as was promised.

He is also a firm believer in accountability and motivation to change. The bigger issue surrounding prisons, for him, is Measure 11. There's talk and a move afoot to, once again, come after Measure 11 and try to do away with Measure 11. The State of Oregon DA's just released data from community surveys regarding that. He doesn't feel they should get rid of Measure 11 because it deals with the most dangerous criminals that they encounter and they need to be held accountable and need to go to prison. The list of crimes for Measure 11 is a pretty heinous list.

Councilor Young said that in relation to Measure 110 and recreational marijuana, there had been a lot of talk about how much revenue recreational marijuana could bring to the City. However, with the passing of Measure 110, it actually reduces the revenues that they will actually receive from those sales.

Chair Lohman asked the Chief about Board rotations. It might be nice to know who rotates off and what the parameters are. The Chief said that he will need to do a little confirming. When the new Municipal Code went into effect, it created specific positions with rotating term expiration dates and moved everybody's terms to end on June 30<sup>th</sup>. With this new code, it moved several members' terms to expire this summer and that is what he needs to confirm. He explained how it is supposed to work. They will get the information together and provide it at the next month's meeting. He explained that even if someone's term expires this summer, there are no term limits and they are eligible to re-apply, if they would like to.

Chair Lohman shared that he will be out of the area for the next two meetings, but should be able to log in from afar. If he has any issues, Vice Chair Foster has agreed to Chair those meetings.

**9. Citizen Comment**

N/A

**10. Adjourn (Chair)**

The meeting was adjourned at 8:32 p.m.

**The next meeting is scheduled for February 18<sup>th</sup> at 7 p.m.**

Approval of Minutes:

\_\_\_\_\_  
Chair Ralph Lohman

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Angie Hass, Executive Assistant

\_\_\_\_\_  
Date



**2020 Annual Boards & Commissions Report to City Council – SWOT**  
***Police Advisory Board***

**Strengths**

- We represent a cross-section of the Sherwood community.
- We are passionate about maintaining a positive relationship between the SPD and Community.
- We maintain positive public perception.

**Weaknesses**

- Public communication and education.
- COVID limitations.

**Opportunities**

- Public re-engagement post COVID.

**Threats**

- Not engaging in, or showing complacency towards, the conversations/discussions regarding policing.

**1. What are your two or three most significant accomplishments for this past year as a board or commission?**

- A.** Helped establish the Traffic Safety Committee.
- B.** Worked in concert with City Council to strengthen municipal code language regarding standards of policing and routine police policy review.
- C.** Heightened awareness of the Police Advisory Board.

**2. What are your two or three major goals for the upcoming year as a board or commission?**

- A.** Continue consistent review of police policies and provide input as necessary.
- B.** Gain a deeper understanding of the implications and impacts of recreational marijuana and Ballot Measure 110.
- C.** Re-implement police-community programs like the Police Citizen Academy, post COVID.