



AGENDA



<u>Police Advisory Board</u>	
Date & Time:	Thursday - January 20, 2022 7:00 pm
Location:	Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood .
Attendees	
P.A.B. Members:	Council Liaison:
Brian Dorsey - Chair	Councilor Kim Young
Megan Thornton - Vice Chair	City Staff:
Diane Foster	Interim Chief Ty Hanlon
Mike Meyer	Angie Hass – Admin Assistant III
Marie Schapp	
Mike Schultz	
Mike Smith	
Chris West	
Laurie Zwingli	

1. Call to Order (Chair)
2. Roll Call (Chair/Staff)
3. Approval of Minutes (Chair)
4. Board Member Announcements (Chair)
5. Business (Chair)
 - a. Police Policy Updates (See Attached)
6. Traffic Safety Update (Chair & TSC Liaisons)
7. Councilor News
8. Staff Report(s)
9. Citizen Comment

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

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

10. Adjourn (Chair)

Policy

Priority

Chapter 3 – General Operations

Standards of Conduct

Major

Information Technology Use

Major

Chapter 4 – Patrol Operations

Contacts and Temporary Detentions

Minor

Medical Marijuana

Minor

Foot Pursuits

Major

Medical Aid and Response

Major

Chapter 8 – Support Services

Records Bureau

Major

Chapter 10 – Personnel

Recruitment and Selection

Major

Drug- and Alcohol-Free Workplace

Major

Personnel Complaints

Major

Personal Appearance Standards

Major

Employee Speech, Expression and Social Networking

Major

Total: 12

Chapter 3 – General Operations

Standards of Conduct

This policy has been updated because legislative action impacts its content. 2021 HB 2929, effective Jan. 1, 2022, amended 2020 Oregon Laws, c. 5, § 2 (House Bill 4205) in regard to reporting misconduct and violations of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel. Changes to this policy include:

- **DUTY TO INTERVENE AND REPORT MISCONDUCT** has been renamed **DUTY TO INTERVENE AND REPORT** to better reflect the content, and content has been updated to expand upon circumstances that require an intervention and report. The bill reference will be replaced once the statute is codified.

Unrelated to the legislative update, additional changes include:

- Punctuation has been corrected in **RELATIONSHIPS**, **PERFORMANCE**, and **CONDUCT**.
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Information Technology Use

This policy has been updated because legislative action impacts its content. 2021 OR HB 2936, effective Jan. 1, 2022, made findings that racism has no place in public safety and that law enforcement officers hold a unique position in the community. One provision of the new law exempts law enforcement agencies from employer prohibitions relating to social media access, specifically ORS 659A.330. Changes to this policy include:

- In **PRIVACY EXPECTATION**, content regarding the prohibition of requiring an employee provide usernames, passwords, or access to social media accounts has been removed. The purpose of this policy is to provide guidelines for the proper use of an agency's information technology resources. It does not address an employee's personal technology resources. It is recommended that agencies have guidelines in place regarding circumstances when asking an employee for access to social media sites to ensure that an employee's rights are not violated pursuant to the Oregon and United States constitutions. You should work with your agency's counsel when implementing guidelines and protocols.

Unrelated to the legislative update, additional changes include:

- In **PRIVACY EXPECTATION**, **INTERNET USE**, and **PROTECTION OF AGENCY SYSTEMS AND FILES**, serial commas have been added, and capitalization has been corrected.

Chapter 4 – Patrol Operations

Contacts and Temporary Detentions

A review of this policy has resulted in an update to one section. Changes include:

- A typographical error has been corrected in **FRISK OR PAT-DOWN SEARCHES**.
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Medical Marijuana

This policy has been updated because legislative action impacts its content. 2021 OR HB 3369, effective Jan. 1, 2022, amended law by changing the term "attending physician" to "attending provider," that includes other identified medical professionals. Changes to this policy include:

- In **DEFINITIONS**, terminology has been added and updated, and gendered pronouns have been removed.
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Foot Pursuits

A review of this policy has resulted in an update to one subsection. Changes include:

- In **INITIATING OFFICER RESPONSIBILITIES**, spelling has been corrected, gendered pronouns have been removed, and a serial comma has been added. The name of the subsection is based on a text entity and may vary depending on how you answered the General Information Questionnaire.
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Medical Aid and Response

This policy has been updated because legislative action impacts its content. 2021 OR HB 2523, effective Jan. 1, 2022, enacted new law relating to peace officers requesting Emergency Medical Services immediately when restrained persons are suffering a respiratory or cardiac compromise. Changes to this policy include:

- **MEDICAL ATTENTION FOR RESTRAINED PERSONS** has been added as a new section to include the new requirement. KMS automatically adds all new sections to the bottom of the policy, so as not to alter any agency-specific customization. To move the new section to the location Lexipol recommends (below **SICK OR INJURED ARRESTEE**), first, accept all updates. Then, while in the edit mode, hold the cursor over **MEDICAL ATTENTION FOR RESTRAINED PERSONS**, right-click for options, and select the option "Move." The section titles will appear. Select **SICK OR INJURED ARRESTEE**, and click "Move" once more. You will be prompted to select "Move Above" or "Move Below." Select "Move Below." KMS will refresh and the new section will be in the correct

location and the other sections will be renumbered accordingly. Your agency can also accept all updates without relocating the section, but that is not recommended.

Chapter 8 – Support Services

Records Bureau

This policy has been updated because legislative action impacts its content. 2021 OR HB 2932, effective Jan. 1, 2022, requires law enforcement agencies to participate in the National Use of Force Data Collection operated by the FBI. Changes to this policy include:

- In **RECORDS BUREAU**, the responsibility to report has been added. The bill reference will be replaced once the statute is codified. The subsection name is based on a text entity and may vary depending on how you answered the General Information Questionnaire.

Chapter 10 – Personnel

Recruitment and Selection

This policy has been updated because legislative action impacts its content. 2021 OR HB 2936, effective Jan. 1, 2022, made findings that racism has no place in public safety and that law enforcement officers hold a unique position in the community. The bill enacted law regarding background checks. A new provision is that shared peace officer records obtained for background checks are confidential and require agencies to independently verify information contained in shared employment information. Changes to this policy include:

- **SELECTION PROCESS** has been updated to include the provisions, list formatting has been corrected, and the Edit Level has been changed from "Best Practice" to "State."
- In **REVIEW OF SOCIAL MEDIA SITES**, a citation has been removed, and "shall not" has been changed to "should not" in relation to requiring candidates to provide passwords, account information, or access to password-protected accounts. The bill exempts law enforcement agencies from employer prohibitions relating to social media access. Although Oregon law now allows social media access, this best-practice policy content was drafted to protect agencies from potential claims of discriminatory hiring and issues relating to applicant privacy interests. Lexipol's policy content is drafted to limit the information learned by an agency to information that can and should be considered in the hiring process. A search of a candidate's private social media page could disclose information that is not only not relevant to the hiring process, but also prohibited from consideration in hiring and intensely private. Information that is prohibited from use in the hiring process is dictated by state and federal law. The policy recommends that agencies utilize the services of a trained and experienced third party to conduct reviews to protect the rights of candidates. This content can be customized to best suit the practices of

your agency, but because of potential claims of discriminatory hiring practices, Lexipol recommends that you consult with your agency counsel when customizing the content.

Agencies should also confer with the Department of Public Safety Standards and Training (DPSST) for guidance in regard to the new law in the bill regarding the requirement that DPSST create a statewide uniform background checklist and standardized personal history questionnaire for use by law enforcement units in the hiring process. There is no mandate on a law enforcement agency stated in the law, but it is anticipated that there may be regulations or guidelines from the DPSST which may require the use.

Drug- and Alcohol-Free Workplace

This policy has been reviewed and updated for consistency with the Drug-Free Workplace Act, which requires federal grant recipients to maintain a drug-free workplace. The scope of this policy originally extended to drug, alcohol, and controlled substance use by members during the discharge of agency duties. However, that scope expanded as state and federal laws regarding marijuana began to diverge. This update is in keeping with the original scope of the policy. Revisions have been made to provide agencies with a policy that does not go beyond the requirements of the Drug-Free Workplace Act. Therefore, content related to the off-duty use of medical cannabis has been removed because the Drug-Free Workplace Act does not regulate off-duty drug possession or use by a federal grantee's employees. Please note that the removal of references to off-duty drug use from this policy does not mean that illegal off-duty activity by agency members is allowed. Lexipol's Standards of Conduct Policy addresses off-duty illegal conduct, including illegal drug use, by directing members to obey all federal, state, and local laws, as well as instructing members to conduct themselves in a manner that does not impair the good order and discipline of the agency. Agencies should also be aware that the issues and the law surrounding the authorized use of medical cannabis and its impact in the workplace continue to develop rapidly on both a state and national level. Your legal representative and human resources department should be consulted, for example, before making decisions regarding an employee who has tested positive for cannabis and claims a medical need.

Changes to this policy include:

- A statutory citation has been moved from **GENERAL GUIDELINES** to **PURPOSE AND SCOPE**.
- In **GENERAL GUIDELINES**, content prohibiting the use of alcohol and drugs in the workplace has been removed because it is duplicative of prohibitions provided in the Standards of Conduct Policy, gendered pronouns have been removed, and a policy reference has been corrected.
- **USE OF MEDICATIONS** has been updated for clarity, gendered pronouns have been removed, and content has been moved to **MEDICAL CANNABIS**.
- **MEDICAL CANNABIS** has been added as a new subsection in **GENERAL GUIDELINES** to specify that on-duty use of medical cannabis is prohibited.
- **REQUESTING SCREENING TESTS** has been renamed **SCREENING TESTS**, and content has been updated to include Lexipol's best practices.
- **SUPERVISOR RESPONSIBILITY** has been renamed **SUPERVISOR RESPONSIBILITIES** to better reflect the contents.
- **SCREENING TEST REFUSAL** has been renamed **DISCIPLINE** to better reflect the contents, and gendered pronouns and unnecessary content have been removed.

- **CONFIDENTIALITY** has been updated to include an applicable policy reference.
 - The Guide Sheet has been updated.
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Personnel Complaints

This policy has been updated because legislative action impacts its content.

2021 OR HB 2929, effective Jan. 1, 2022, requires the Department of Public Safety Standards and Training (DPSST) to be notified of a sustained finding of misconduct under 2020 Oregon Laws, c.5, § 2 (House Bill 4205).

2021 OR HB 3145, effective Jan. 1, 2022, adds new law relating to agencies providing notice to DPSST when a final discipline upon a peace officer includes an economic sanction.

Changes to this policy include:

- **NOTIFICATION TO THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING** has been added as a new section to include the notification requirements. The bill references will be replaced once the statutes are codified.
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Personal Appearance Standards

This policy has been updated because legislative action impacts its content. 2021 OR HB 2935, effective Jan. 1, 2022, amended the anti-discrimination law in Oregon. It is unlawful to discriminate based on race, and the law amends the definition of "race" to include physical characteristics associated with race, including but not limited to natural hair, hair texture, and protective hairstyles. Changes to this policy include:

- **EXEMPTIONS** has been added as a new section to include the amended law and provide guidance for accommodations.
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Employee Speech, Expression and Social Networking

This policy has been updated because legislative action impacts its content. 2021 OR HB 2936, effective Jan. 1, 2022, enacted law that requires agencies to adopt policies that set the standards for speech and expression by peace officers. This policy addresses the requirements of the law by providing guidelines for the regulation and balance of member speech and expression in other communication mediums with the legitimate needs of the agency. It addresses all known communication mediums where a member could potentially have a platform to abuse the limitation on speech or expression. This policy helps a member understand the balance between the individual member's rights and the agency's needs and interests when exercising a reasonable degree of control over member speech and expression. Changes to this policy include:

- In **PURPOSE AND SCOPE**, a citation has been added, and the Edit Level changed from "Best Practice" to "State."
- The Guide Sheet has been updated.

Unrelated to the legislative update, additional changes include:

- In **APPLICABILITY, SAFETY, and PRIVACY EXPECTATION**, punctuation and capitalization have been corrected, and technology references have been updated.