
Community Conversations on Police Use of Force Policies

Final Report

January 25, 2021

Introduction and Purpose

Mayor Frank Bubenik, with the support of the Tualatin City Council, Tualatin Police Department, and the entire City organization, signed the Obama Foundation's "Reimagining Policing Pledge" to address police use of force policies in Tualatin on June 10, 2020 following the killing of George Floyd and others. As described in the pledge, we committed to:

1. REVIEW the use of force policies.
2. ENGAGE the community by including a diverse range of input, experiences, and stories in our review.
3. REPORT the findings of our review to our community and seek feedback.
4. REFORM our community's police use of force policies.

Over the fall and winter of 2020, we tackled step two of this process by reaching out to the community. Engagement was conducted virtually due to the coronavirus pandemic restrictions and included four facilitated meetings, including one with the Diversity Task Force, as well as online engagement through email, social media, and a virtual comment box.

This report includes a summary of the process, marketing and engagement efforts, and key takeaways identified.

Process

The Tualatin Police Department Policy Manual is 619 pages long and the section that details the department's use of force policies (Section 300) is eight pages. Much of the language is highly technical and officers undergo months of training before performing their duties independently. They are also required to undergo additional training on an annual basis.

Knowing this, we decided to prioritize education and transparency about the use of force policies and the department's operations. Three meetings open to the entire community – coined Community Conversations – were scheduled between October and December 2020. Each meeting had a different agenda and community members were encouraged to attend all three. For those unable to attend, a recording of each meeting was published on the City's YouTube Channel and advertised via our social media platforms.

Emphasis was also placed on having a safe and accessible process. While all meetings were held virtually due to the coronavirus pandemic, an in-person option was made available for those otherwise unable to participate. Materials were available in English and Spanish and English to Spanish simultaneous translation was provided at each meeting.

In addition to the three Community Conversations, staff also reached out to two community groups to answer questions and receive feedback in their spaces: the Diversity Task Force and the Grupo de Mujeres. Unfortunately, the Grupo de Mujeres was unable to meet due to lack of space.

Session 1

Thirty-three individuals attended the first session on October 14. In this session, Police Chief Bill Steele, Captain Greg Pickering, and Patrol Sergeant Chris Turner presented on the department's current operations and the use of force policies. Topics for the presentation included:

- Tualatin Police Department's mission and organizational chart;
- Law enforcement authority;
- Legal aspects of use of force;
- Use of force policies and procedures;
- Tualatin Police Department training; and
- Use of force data.

Attendees were asked to review the use of force policies and other documents on the website prior to attending the meeting. Attendees submitted questions throughout the presentation and there was a short amount of time for questions at the end.

Diversity Task Force Meeting

Eleven individuals attended the monthly Diversity Task Force meeting on November 4 where Chief Bill Steel was invited to present on the process, answer questions, and receive feedback directly from the membership. As the meetings are conducted in Spanish, Library Outreach Specialist Immer Honorato both facilitated the agenda and interpreted for Chief Steele.

Questions for Chief Steele included:

- How can you ensure use of force is only used when necessary?
- How do you approach policing of predominantly white communities versus more racially diverse communities?
- Is there anything local police (Tualatin) can do in case of an ICE raid?

In addition, attendees expressed concern over an uptick in robberies and small crimes in Tualatin. The facilitator shared that the group felt this was a good opportunity to build trust between the community and the police department.

Session 2

Twenty-eight individuals attended the second session on November 18. In this session, Police Chief Bill Steele, Captain Greg Pickering, and Captain Brian Struckmeier answered all questions that had been submitted following the first meeting. In total 53 questions were submitted via email or asked during one of the three Community Conversations.

All questions were documented and are included in the attachments. In addition, select questions are provided later in this report.

Session 3

Twenty-four individuals attended the third and final session on December 9. In this session, Deputy City Manager Megan George facilitated a discussion about the Police Department's operations and use of force policies specifically. To start, each attendee was asked to introduce themselves and share what had brought them to this process. From there, attendees were able to provide open-ended feedback or respond to one of the following prompts.

- Police response to people experiencing homelessness or mental health crisis has been a prevalent topic with programs like the City of Eugene's CAHOOTS gaining national recognition. What thoughts do you have on this topic?
- We received many questions about Police Department data, including questions about threshold events, use of force, types of calls, and stops. What data is important to share with the community? How often? In what ways?
- As Chief Steele explained in previous meetings, the use of force policies are one component of the larger Tualatin Police Policy Manual. Do you have any concerns or reservations about the policies included in this section?

Attendees had many questions that Chief Bill Steele, Captain Greg Pickering, and Captain Brian Struckmeier addressed throughout the meeting.

In addition to the comments provided in this and prior sessions, 38 written comments were received from 27 different people via email and posts on the City's various social media platforms. All written comments were documented and are included in the attachments. In addition, select comments are provided later in this report.

Virtual Comment Box

Following the third meeting, a virtual comment box was made available on the City's website for people to submit additional thoughts and concerns through December 31. The comment box was advertised via the City's social media accounts and a rotating banner on the homepage of the website. One comment was received.

"My family has lived in Tualatin since 1988. I have told friends and work colleagues over the years that Tualatin has one of the best, if not the best, police departments in the state. They are very professional, polite, competent, responsive, and dependable. I understand issues of some kind need to be addressed, but be sure it is done with the highest professional and respectful manner possible for such a very fine police force."

Barry H.

Marketing and Engagement

As stated in the "Reimagining Policing Pledge", we endeavored to include a diverse range of input, experiences, and stories in our review. To that end, we developed a robust marketing plan to ensure

information about the process reached the community. As an additional result of these efforts, we saw engagement through our social media platforms as people posted questions and comments.

We used a combination of general and individualized methods to share information about the process and encourage participation. Messages were developed in both English and Spanish.

General Outreach

General outreach included developing a webpage, a rotating banner on the homepage of our website, social media posts on the City's platforms (Facebook, Twitter, Instagram, Nextdoor) and the Police Department's platforms (Facebook, Twitter, Instagram, Nextdoor, Neighbors App), an article in Tualatin Today, and paid advertisements in Tualatin Life and the Tigard-Tualatin Times. Outreach was high-level and was successful in reaching a large number of people.

For example, we posted information about the process seven times on Nextdoor between October and December. The least popular post received 397 impressions (number of residents who viewed a post) with the most popular post receiving 2,059 impressions. We posted information on Facebook 12 times in the same timeframe. The average reach (number of residents who viewed a post) was 450, with the highest post reaching 942 individuals.

These measures only account for how many people saw the post, not whether or not they clicked on the post to read more or followed the link provided. To understand the level of interest, we also reviewed the analytics provided on our webpage. Since it was created, there have been 612 unique visitors (different people). About 26% of those visitors were referred from social media posts.

Individualized Outreach

We supplemented the general outreach with individualized invitations to participate. In some cases, these went out to individuals while in other cases, we reached out to a group. When able, the staff person who had cultivated the relationship carried the message. For example, Volunteer Program Manager Jackie Konen emailed the entire database of volunteers inviting them to participate. Throughout this process, we maintained an interested parties list comprised of people who had reached out with interest, submitted a comment, or attended one of the meetings.

Key Takeaways

Through statements made at each of the meetings, and comments submitted during this process it is clear that the community is supportive of the Tualatin Police Department and generally agrees that the use of force policies are appropriate. The following subsections detail six recommendations made by community members and select questions and comments received during the process.

Recommendations

Through this process, six recommendations were identified.

- Collaborate with regional partners to improve response to individuals experiencing mental health crises.
- Ensure use of force policies include a focus on using the least amount of force reasonable.
- Ensure use of force policies include a focus on using de-escalation techniques when reasonable.
- Increase training on recognizing when someone is in distress.
- Increase training on cultural awareness and racial bias.
- Provide regular updates to the City Council and the community – particularly on stop data, use of force data, and officer misconduct.

Select Questions

All questions either asked during a Community Conversation or submitted via email were documented. Select questions are provided below. See the attachments for a complete list.

“Our police officers are great, but I see racial profiling occasionally. What can we do as a community to stop this?”

Africa Ramirez Lopez, Session 1

“Are there hiring practices for our officers that specifically seek to identify applicants with racist attitudes or inappropriate authoritarian leanings?”

Emma Gray, Email

“Does our police department police differently for residential, commercial, and manufacturing/industrial areas? Are demands different? It seems the hours of police activity might overlap?”

Marissa Houlberg, Email

“What is the availability of specialists with substance abuse issues or behavior issues to assist officers?”

Gerritt Rosenthal, Session 2

“What’s the benefit of having someone from the Mental Health Response Team (MHRT) respond [instead of a police officer]?”

Monica Robertson, Session 3

Select Comments

All written comments provided via social media, email, the virtual comment box, and Zoom chat were captured during this process. Select public comments are provided below. See the attachments for a complete list.

“I think everyone needs to step back and join together to see what we all can do to make everyone feel safe while still needing and helping are LA to do there job by adding resources and community involvement. When people are afraid and feel there no ware to go no one to listen the become quite and can alone mental health and isolation can be a trigger For some resources can and community out reach can stop someone before it gets to hard”

Neighbor 6, Neighbors App

“I’m against the Obama Foundation “Mayor’s Pledge”. Our police force has a tough job, and I’m not one to tell them how to handle life and death situations. In today’s disgusting antifa climate, we need to support our officers, not tell them how to do their jobs.

Lisa Maria Braun, Email

“I can personally attest the department and Chief will take your call and sort things out. Excellent service.”

Justus Post, Zoom Chat

“Provide training in nonviolent communication and de-escalation of tense situations.”

Gordon Kelley, Facebook

Attachments

1. Comments Received
2. Questions Received
3. Tualatin Police Department Use of Force Policies – last updated 09/25/2020

Community Conversations

Comments Received

SEPTEMBER 30, 2020 | Facebook



E.S. Lamb
Back the blue. Let the police do what's necessary to both uphold the law and protect themselves. Do not allow Tualatin PD to become an ineffective neutered and impotent agency like what's been created in Portland with the PPB.

...

Like · Reply · Message · 12w



OCTOBER 5, 2020 | Nextdoor



Danny O. • Byrom CIO District



What does Obama have to do with our local police.

5 Oct Like Reply



Deputy City Manager Megan George • City of Tualatin



The Obama Foundation called for mayors and local officials to lead processes to review police department's use of force policies. Here's a link to more info on their website:

<https://www.obama.org/mayor-pledge/>

5 Oct Like Reply



Barbara M. • CIO2 - East Tualatin



Please don't tie the Police Departments hands like Wheeler & Hardesty did in Portland.

If the Police feel they need to use tear gas, for example, to break up a riot or unruly crowd ... they will know when it is "necessary".

Let them do their job!!!! ♥

5 Oct Like Reply



Danny O. • Byrom CIO District



That's exactly my concern. We're not Portland and don't need to make the same mistakes by wrapping our law enforcement agencies in a bunch of things that take away their ability's to protect themselves and citizens. It all sounds good to look at using force issues, but usually ends up in nothing more than finger pointing and a blame game. Best thing is for those committing the crimes is to know that they will not be allowed to provoke violence on citizens or police officers without consequences. Best advice is to don't do the crime.

5 Oct Like Reply





Aric S. • Ibach CIO



I disagree with this pledge.

Copied right off their web site is their statement.

"The Reimagining Policing Pledge is a call for mayors and local officials to review and reform use of force policies, redefine public safety, and combat systemic racism within law enforcement."

Does our city have a large number of excessive force issues? What exactly does redefine public safety mean?

please identify for me what systematic racism our City of Tualatin has engaged in that would require our Mayor, City council to spend time on this?

5 Oct

[Like](#)

[Reply](#)

+1 2



Danny O. • Byrom CIO District



I read it and saw it as a catch all for the big cities that have experienced violence and riots. Another way to let the misbehaved and criminal element go on with no restraints. They are then the victims instead of the perpetrators. Bad policy that lets them continue to make everyone else fear for their personal safety in their own community.

5 Oct

[Like](#)

[Reply](#)

+1 1



Deputy City Manager Megan George • City of Tualatin



We are reviewing our Police Department's use of force policies because of feedback from our community and national movements calling for reform - not because of specific incidents. This is an opportunity for our Police Department to provide information on how they operate. We are committed to being actively anti-racist and to working with our community to evaluate and make any necessary changes to our institutions. We will compile all feedback received during this process to present to the City Council. If you have any questions about our Police Department's operations, please contact Police Chief Bill Steele at (503) 691-4820.

6 Oct

[Like](#)

[Reply](#)

😊❤️ 2



Marissa H. • CIO3 – Midwest



Voice your opinion on the link furnished above.

5 Oct

[Like](#)

[Reply](#)

+1😊❤️ 3

OCTOBER 6, 2020 | Email

Stop this nonsense, Obama is a divisor

Itsel O'Dee

Neighbor 6 Oct 6, 2020 at 5:13pm PDT

I think everyone needs to step back and join together to see what we all can do to make everyone feel safe while still needing and helping are LA to do there job by adding resources and community involvement. When people are afraid and feel there no ware to go no one to listen the become quite and can alone mental health and isolation can be a trigger For some resources can and community out reach can stop someone before it gets to hard

 0  Reply

Neighbor 15 Oct 6, 2020 at 9:37am PDT

A strong commanding level of force makes everything safer for the officer and public!

 4  Reply

Neighbor 24 Oct 6, 2020 at 4:29pm PDT

@Neighbor15 nothing screams freedom like a "strong commanding level of force". God bless

 0  Reply

Neighbor 10 Oct 6, 2020 at 2:27pm PDT

@Neighbor15 lol

 1  Reply

Neighbor 11 Oct 6, 2020 at 9:36am PDT

Let the police do the job they have trained for! Perhaps the community "discussion" should focus on TRAINING, rather than performance!

 6  Reply

— Hide Replies

Neighbor 18 Oct 6, 2020 at 2:58pm PDT

@Neighbor11 trouble is they need more training & resourcesspecifically for mental health & race related issues

 1  Reply

Neighbor 27 Oct 6, 2020 at 12:36pm PDT

@Neighbor27 absolutely

 0  Reply

Neighbor 27 Oct 6, 2020 at 12:36pm PDT

@Neighbor11 Abdolutely!

 0  Reply

OCTOBER 6, 2020 | Facebook



E.S. Lamb

Anything related to the Obamas and law enforcement is pure garbage. The fact that our mayor signed anything in support of selling our law enforcement is an embarrassment.

Back the blue, allow them to enforce the law and do what is necessary to protect the community and themselves.

Do not neuter the police and turn them into a worthless organization as has been done in Portland to the PPB.

Tualatin should be better than that and hold itself to a much higher standard.

Like · Reply · Message · 11w

OCTOBER 7, 2020 | Email

I'm against the Obama Foundation "Mayor's Pledge". Our police force has a tough job, and I'm not one to tell them how to handle life and death situations. In today's disgusting antifa climate, we need to support our officers, not tell them how to do their jobs.

Lisa Maria Braun

OCTOBER 7, 2020 | Email

I really don't think there is any chance in hell I would make that. Why mention Obama? Support the police. Don't criticize. When did the Tualatin police use excessive force? Where is the controversy?

Dennis Christopher

OCTOBER 8, 2020 | Email

In your message, and on the website, you do not state an outcome for this set of discussions. What do you expect to get from bringing up a non-problem?

In the Obama Pledge it states: The killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and the loss of far too many Black lives to list, have left our nation anguished and outraged.

The nation is not anguished and outraged. Only a select few. Is this a problem for Tualatin? The data put out by the DOJ and others states that there is no data to show that too many black lives are taken by police. Why is the city feeding into this frenzy that has destroyed Portland? Then again, I think plywood is a good look for the city.

What is the feedback from our community? How many people have come to the city about a problem? Has there been force used by the Tualatin Police that the public should know about?

It appears to me that this is a feel good program. Unless you can show a NEED to have this discussion and an expected outcome, I predict low attendance and/or problems in the city caused by a few.

Dennis Christopher

OCTOBER 10, 2020 | Email

Here's a story for you. About a year after I went through the Tualatin PD's citizen's academy (6 or 7 years ago) I happened to witness a DUII arrest. Of my nephew. He was staying with me to help me move. He was planning to go to Bushwhackers to meet some people he met at Blue Mountain Community College. I told him to call me if he had any problems.

He went to meet his new acquaintances. Evidently they did a bunch of Tequila shots and I got the phone call after he head hit someone near Carl's Junior. Turns out he can't see very well and especially when he blows a .21

He got lost and T-boned a dodge minivan (can't see well, probably shouldn't be driving at all). Driver called 911. I got there about 5 minutes before Tualatin PD got there. So I witnessed his arrest from a few feet away and was genuinely surprised by how gentle they were with him. It was like the officers were putting a baby into a car seat. I don't know about the Tualatin PDs use of force policies now but what I saw was under Chief Barker. Don't know of things have changed but what I saw really impressed me. I've never been arrested but if it did happen I'd hope it would be an experiences like that one.

Unless things have changed at Tualatin PD under the new chief, I don't think anything needs to change.

"review our Police Department's use of force policies in light of feedback from our community and national movements calling for reform"

Not every police officer (some do) kneels on necks and kills people. A review is great but a lot of it is department culture. Is the culture healthy? Does the department have support from the top? (unfortunately Portland PD does not) From what I've seen, Tualatin PD is exemplary in the way the citizens are treated, and I've been legitimately cited, and other times let go with a warning.

So review the use of force policies, but don't take away all the tools an officer needs to do their job. I'm pretty sure that nobody who lives in Tualatin wants it to become Portland.

I'm happy to be involved in the sessions but would have to do it by Zoom or other remote means. Not doing anything in person right now.

Del Blanchard

OCTOBER 11, 2020 | Facebook



Gordon Kelley
Provide training in nonviolent communication and de-escalation of tense situations.



Like · Reply · Message · 11w



E.S. Lamb
 Back the blue. Allow our officers to enforce the law, protect the community and themselves. Do not neuter them and turn them into an ineffective agency like PPB. Tualatin and its officers deserve better than that.

...

Like · Reply · Message · 11w



OCTOBER 14, 2020 | Zoom Chat

I can personally attest the department and Chief will take your call and sort things out. Excellent service.

Justus Post

OCTOBER 23, 2020 | Facebook



E.S. Lamb
 This is a waste of time and more befitting of a liberal cesspool like Portland where the police are defunded and neutered. Support our law enforcement officers and let them uphold the law and protect themselves while doing their thankless jobs.

...

Like · Reply · Message · 9w

NOVEMBER 1, 2020 | Facebook



Kristine Fagler
 Thank you. We need to have much more engagement with law enforcement, neighbor to neighbor, instead of viewing every one as a threat.

...

Like · Reply · Message · 7w



E.S. Lamb
 This is worthless and a complete waste of time. Support our law enforcement officers, let them uphold the law and protect themselves and the city while doing it. Do not allow our officers to be neutered and sold out as has been done in Portland.

...

Like · Reply · Message · 8w

NOVEMBER 13, 2020 | Facebook



Tina Brewster
Stop hunting us is my only request. if you truly want to prevent bad behavior, dangerous driving, or speeding through town then make yourself seen rather than sneaking around hiding to "catch" people. Prevention is what should matter most and that will only happen when you make yourself visible to the community. There is absolutely no excuse or reason to ever hide behind bushes, trees, in parking lots or anywhere else; if your goal is to keep the community and the roads safe. Hiding might increase revenue but it does not increase safety.

...

Like · Reply · Message · 5w



E.S. Lamb
Back the blue. Allow our officers to enforce the law and to protect themselves and others as they do it. Do not neuter them and put a target on their backs as cesspools like Portland have done. Tualatin is better than that.

...

Like · Reply · Message · 6w

NOVEMBER 16, 2020 Police Department Instagram



ladybsr3 ❤️🖤❤️



6w Reply

NOVEMBER 17, 2020 | Facebook








E.S. Lamb
Ridiculous and unnecessary. Back our officers. Allow them to enforce the law and to protect themselves and the public while doing so. Do not neuter them as liberals in Portland have done. Tualatin is better than that.

...


Like · Reply · Message · 5w

NOVEMBER 17, 2020 | Police Department Nextdoor

-  **Anh W.** • CIO2 - East Tualatin ▼
I like our tualatin Police! Thank you for your service!
17 Nov [Like](#) [Reply](#) ❤️ 5
-  **Jan M.** • Ibach CIO ▼
We have the very best police in Tualatin. I respect the great job that they do in keeps our community safe. I support them 100%! Thank you for your service!
17 Nov [Like](#) [Reply](#) ❤️ 3
-  **Marissa H.** • CIO3 – Midwest ▼
I have participated in both Zoom meetings and plan on participating in the third, December 9 meeting. I have read the Police Manual's section on Use of Force and feel more educated about officer training and decision making. My reason for attending these Zoom meetings is to show support for our department and have the opportunity to listen and give to them. As a resident the only time I interact with an officer is at a community gathering or when I need them. It is nice to hear them talk about their policies and the reasoning behind them. Tualatin is split among residential, commercial and manufacturing/industrial in addition to being next to I-5 with each giving our department different policing challenges.
19 Nov [Like](#) [Reply](#) ❤️ 1
-  **Michael G.** • CIO District 4 ▼
We need to start really funding mental health care facilities again in this country .The police are not mental health care workers and nor should we ask for them to be .It's time we start committing people with mental health issues serious ones. it's a revolving door for some of these people they have a mental health break down they get arrested they get evaluated they get back on the streets and it just keeps happening over and over again. If you keep having emotional outburst and psychotic breakdowns in public over and over again and Have proven they can't manage in normal society you should be ll in a place you can get the help and not impact society. It seems like we're just using law enforcement to manage people with mental health issues and then we make them deal with the same people over and over again because we failed to take action..

Sorry for the grammar errors used voice to text to dictate
Edited 19 Nov [Like](#) [Reply](#) ❤️ 1
-  **Anh W.** • CIO2 - East Tualatin ▼
They need to hide mental health dr to do that
19 Nov [Like](#) [Reply](#)

DECEMBER 3, 2020 | Facebook

 **E.S. Lamb** ...
This is ridiculous. Back the blue. Allow them to enforce the law and to protect themselves and others while doing it.
[Like](#) · [Reply](#) · Message · 3w

DECEMBER 9, 2020 | Email

As we conclude the three community sessions to discuss police use of force I want to share a few thoughts.

First, thank you to Mayor Bubenik (with support of the city council) for signing the Obama Mayor's pledge. We were right to do so and I appreciate that we have spent the city resources we have to follow through on that pledge.

Second, thanks to Chief Steele for the willingness to listen and to share and to fully engage in this process.

Third, after having had the chance to review and learn, overall I have been very pleased with the policies and practices of our police department. As I mentioned in the third session I feel any improvements in the policies are on the margins, particularly to emphasize avoiding use of force whenever possible (especially lethal use of force) through de-escalation tactics.

Fourth, the killing of George Floyd was not the last unjust killing in our country. While I now feel quite confident our Tualatin police force will respond well I can't say that about all the police elsewhere. I've come to the conclusion that real change will require good police officers to step up and speak up and take the lead in seeking more just policing in our country. This will require action within police unions to allow for greater accountability. I hope our Tualatin police force can be an influence for good beyond our own city.

I look forward to reviewing the final city report in this endeavor and appreciate in advance any changes that help to ensure the safety and security of all our citizens.

Again, thank you all.

Scott Mitton

DECEMBER 31, 2020 | Virtual Comment Box

My family has lived in Tualatin since 1988. I have told friends and work colleagues over the years that Tualatin has one of best, if not the best, police departments in the state. They are very professional, polite, competent, responsive, and dependable. I understand issues of some kind need to be addressed, but be sure it is done with the highest professional and respectful manner possible for such a very fine police force.

Barry H.

Community Conversations

Questions Received

October 14, 2020 Community Conversation #1

Can you provide data on the racial makeup of the 40 sworn peace officers? *Scott Mitton*

Do we have metrics on the frequency of use of force by our department? *Justus Post*

What is the definition of use of force used in the charts (slides 38 - 39)? *Aric Skjelstad*

The data on use of force indicates the rate of use of force in threshold events has declined significantly in 2020 (slide 39). This seems good, but can you explain why such a drop? *Scott Mitton*

Police Officers deal with a lot of anxiety to keep our city safe. Are they required to get regular mental health check-ups? *Africa Ramirez Lopez*

Do police officers get training about race sensitivity? *Africa Ramirez Lopez*

Are there any volunteer opportunities at the police department for kids? *Donna*

Our police officers are great, but I see racial profiling occasionally. What can we do as a community to stop this? *Africa Ramirez Lopez*

Is there training for racial profiling? *Africa Ramirez Lopez*

The tools our police use seem reasonable, are there any proposed changes to that list? *Ken*

Can you summarize the changes to the Tualatin policy resulting from the State special session earlier this year? *Scott Mitton*

Are there any figures available for use of deadly force over the last three years? That is regardless of whether any deaths resulted or not. *Josh Kulla*

Stops are listed by ethnicity. Do we compare this to Tualatin's demographics? Also, our manufacturing/industrial area has a higher number of commuters. Are many of our stops during business hours? Are these Tualatin residents being stopped or commuters? *Marissa*

November 4, 2020 Diversity Task Force Meeting

How can you ensure use of force is only used when necessary?

How do you approach policing of predominantly white communities versus more racially diverse communities?

Is there anything local police (Tualatin) can do in case of an ICE raid?

Emailed Between October 14, 2020 and November 18, 2020

Is the use of a firearm allowed for all officers from date of hire/completion of initial training or are there conditions to meet prior to the ability to carry a firearm? *Emma Gray*

Does our department have a threshold of issues/incidents that will result in firing? What is the process for firing an officer and how do inappropriate uses of force impact this decision? *Emma Gray*

Are there hiring practices for our officers that specifically seek to identify applicants with racist attitudes or inappropriate authoritarian leanings? *Emma Gray*

What are the oversight mechanisms that Tualatin has in place for the police department? *Emma Gray*

Does our police department police differently for residential, commercial, and manufacturing/industrial areas? Are demands different? It seems the hours of police activity might overlap? *Marissa Houlberg*

Regarding policy 300.2.2, why does an officer have up to 72-hours to report an incident to their supervisor? Why not within 24-hours or sooner? <i>Mayor Frank Bubenik</i>
Regarding policy 300.3, what does improvised use of force mean? Does improvised force include things that are not trained/authorized by the state or Tualatin Police Department such as a choke hold or martial arts moves? <i>Mayor Frank Bubenik</i>
Regarding policy 300.3.3, what are the department approved pain compliance techniques that officers have successfully completed training in? Is each officer certified in each one? Do all officers get trained in all pain compliance techniques? How often is training refreshed? <i>Mayor Frank Bubenik</i>
Regarding policy 300.3.4, is carotid control hold the same as a choke hold? <i>Mayor Frank Bubenik</i>
Regarding policy 300.4, how does an officer have objectively reasonable grounds to believe the person is aware of the fact that deadly force may be used and that the officer has identified themselves? <i>Mayor Frank Bubenik</i>
Regarding policy 300.5.1, notification to supervisor "as soon as practical" seems pretty loose. Why is a time limit not defined? <i>Mayor Frank Bubenik</i>
Regarding policy 300.6, What exactly is an extended period of time when an individual may be placed on their stomach? Who determines extended period of time? What makes officers experts on defining extended period of time? <i>Mayor Frank Bubenik</i>
Regarding policy 300.8, what is "periodic" training? Why not define the period? Why not have training schedules? Why is it "should" receive, not "will" receive? When do you not have resources to provide training? <i>Mayor Frank Bubenik</i>
Is the department able to report on use of force incidents annually to the City Council? <i>Mayor Frank Bubenik</i>
Is the department able to report on all stops quarterly to the City Council? <i>Mayor Frank Bubenik</i>
Is the department tracking officer misconduct/discipline? Is it available for public review? Council review? Is it shared with other agencies? <i>Mayor Frank Bubenik</i>
Regarding the Tualatin Police Officers Association (TPOA) contract, there should be a review/discussion of Article 9 (disciplinary action) so the community is aware of how officer discipline and use of force incidents are handled. This is a very sore subject for many in the Portland Police contract. <i>Mayor Frank Bubenik</i>
At the first meeting a bar chart was shown reflecting the number of "threshold events" and "use of force" occurrences over the past four years. It appeared that in 2020 we will have the highest number of "threshold events" for the years shown, but the smallest number of "use of force". At the meeting it was suggested that perhaps this unusual data had something to do with the pandemic, but I don't understand how the pandemic might have that effect of reducing significantly the ratio of use of force to threshold events. I wonder if this is worth further discussion and understanding because it seems it would be beneficial to have fewer instances of use of force and perhaps there is something happening in 2020 that we can deliberately continue into the future. <i>Scott Mitton</i>
I believe our policies around use of force are generally good. But what about adding policies around de-escalation, i.e., having policies and training that de-escalate potentially dangerous encounters for the safety of our officers as well as the community? <i>Scott Mitton</i>

What about adding policies around alternatives to deadly force always being preferred, e.g., if a Taser is sufficient force for the situation it is the policy of the department to use a Taser rather than a gun.

Scott Mitton

Following the current policies, what would be the expected response of an officer in the following scenario: A 911 call is received reporting a man selling drugs in the parking lot of Cabela's. When officers arrive on the scene a young man sees the officers and begins running away towards the Tualatin River greenway. The officers see him drop something which looks like it could be a gun. The young man stops to retrieve the item then resumes running away. What does Tualatin policy and training suggest the officers should do? *Scott Mitton*

Another scenario: A 911 call is received of a mother saying her son is acting "crazy" and has a knife. When officers arrive at the home they find a young man yelling and screaming, mostly incoherently. He is also waving a knife in a threatening fashion. A woman, perhaps his mother, is trying to calm him from a distance. Others from the home or neighborhood are also nearby but nobody is within 25 feet of the young man. What does Tualatin policy and training suggest the officers should do? What if the young man fails to follow the officers' commands to drop the knife? *Scott Mitton*

An officer's obligation to report the observation of use of force that is beyond objectively reasonable by another officer or member is obligated to report this to their supervisor. The Tualatin Police Department's Policy Manual states this should be reported as soon as feasible, but the state allows up to 72 hours for such observations to be reported. What is considered "as soon as feasible" in the typical situation and how is this determined? *Councilor Valerie Pratt*

Are there concerns that officers might not be willing to report such observations due to concerns of being seen in a bad light by other officers on the force? *Councilor Valerie Pratt*

November 18, 2020 Community Conversation #2

I assume it is also a factor if the officer recognizes the person and knows that the person has a particular criminal history such as a prior weapons conviction. *Deena Ryerson*

What is the availability of specialists with substance issues or behaviors issues to assist officers? *Gerritt Rosenthal*

Is there any kind of probationary period for officers? During that period, can you let them go for any reason? *Jay Wilcox*

Are you hiring for new officers? *Jay Wilcox*

What constitutes an incident? *Jay Wilcox*

For the officer currently serving in Afghanistan, what does return to the Tualatin PD look like? *Jay Wilcox*

December 9, 2020 Community Conversation #3

How big is the Mental Health Response Team (MHRT) at Washington County? *Allison*

Is there a specific rifle or type of weapon in Tualatin's patrol cars that carries less lethal ammunition? *Connie Haag*

What does the Mental Health Response Team (MHRT) do that is different from what Police Officer would do? *Monica Robertson*

What's the benefit of having someone from the Mental Health Response Team (MHRT) respond? *Monica Robertson*

What happens when someone becomes combative towards a mental health responder? *Monica Robertson*

What constitutes a use of force? *Connie Haag*

What do you see possible for demilitarization of our Police Department? *Anonymous*

How difficult is it to remove equipment from a police officer's uniform? *Connie Haag*

If a community member reads the Police Department's Use of Force policies, will they interpret it the same way as a Police Officer might? *Connie Haag*

What are things the community can do to support or aid the Police Department in their work? *Connie Haag*

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 department 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. 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 of all human life and dignity 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.

Tualatin Police Department

Tualatin PD Policy Manual

Use of Force

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 department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

Tualatin Police Department

Tualatin PD Policy Manual

Use of Force

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 (ORS 161.235):

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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.

Tualatin Police Department

Tualatin PD Policy Manual

Use of Force

300.3.3 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 department-approved training. Officers utilizing any pain compliance technique should consider:

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

300.3.4 CAROTID CONTROL HOLD

Due to the significant risk of applying pressure to a person's neck, the Tualatin Police Department does not train, nor authorize the carotid control hold, lateral vascular neck restraint or other force application that constricts the circulation of blood or impairs a person's breathing, as an application of force; other than in a situation where the use of deadly force would otherwise be authorized.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should 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).

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_deputy] 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:

- (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.

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

Tualatin Police Department

Tualatin PD Policy Manual

Use of Force

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.

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.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

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 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.

Use of Force

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 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:

Tualatin Police Department

Tualatin PD Policy Manual

Use of Force

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.
- (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.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the 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 Patrol Sergeant 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.

Tualatin Police Department

Tualatin PD Policy Manual

Use of Force

300.9 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.