CHIEF'S PREFACE

According to the nationally recognized speaker, Gordon Graham, there are five pillars to establish and maintain a successful police department. These pillars of success include:

- Good People - Hiring good people and retaining employees who do the right thing.
- Good Policy - Have a living policy manual that is updated and reviewed frequently by employees.
- Good Training - Provide realistic and verifiable training.
- Good Supervision - Provide coaching to those who need it and hold employees accountable for their actions.
- Good Discipline - Take quick action that is consistent and fair.

This new policy manual has been customized for the Tualatin Police Department. It is not a "boiler plate" policy. On the contrary, this policy has been established by Federal Statutes and Case law, State Statutes and case law, and regionally accepted "best practices." This manual allows members from our department to continually review and update policies. This is not a one-time printing or a final document. This is a living document that will continually be updated as laws and training change the way police departments handle different situations.

In addition to this new policy manual, the Tualatin Police Department has also entered into an agreement with Lexipol to provide daily training bulletins covering the very policies that have been established in this manual.

I am confident that this new policy manual and our working relationship with Lexipol will contribute to the professionalism and success of the Tualatin Police Department. We will be provided with good policies and on-going, verifiable training on our policies.

Sincerely,

Greg Pickering

Chief of Police

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CRIMINAL JUSTICE CODE OF ETHICS

As a criminal justice officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect all persons against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. Without compromise and with relentlessness, I will uphold the laws affecting the duties of my profession courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize my position as a symbol of public faith, and I accept it, as a public trust to be held so long as I am true to the ethics of The Criminal Justice System. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

CANON ONE PEACE OFFICERS SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION AND ALL LAWS ENACTED OR ESTABLISHED PURSUANT TO LEGALLY CONSTITUTED AUTHORITY.

ETHICAL STANDARDS

Standard 1.1. Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitution and laws derived therefrom.

Standard 1.2. Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.

Standard 1.3. Peace officers shall learn principles and new enactments of the laws they enforce.

Standard 1.4. Peace officers shall be responsible for keeping abreast of current law as applied to their duties.

Standard 1.5. Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

Standard 1.6. Peace officers shall respect and uphold the dignity, human rights and Constitutional rights of all persons.

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CANON TWO PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

ETHICAL STANDARDS

Standard 2.1. Peace officers shall be aware of their lawful authority to use the force reasonably necessary in securing compliance with their lawful enforcement duties.

Standard 2.2. Peace officers shall truthfully, completely and impartially report, testify, and present evidence in all matters of an official nature.

Standard 2.3. Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants and collection and preservation of evidence.

Standard 2.4. Peace officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

CANON THREE PEACE OFFICERS SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.

ETHICAL STANDARDS

Standard 3.1. Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

Standard 3.2. Peace officers, during their tour of duty, shall devote their time and attention to the effective and professional performance of their duties and responsibilities.

Standard 3.3. Peace officers shall safely and efficiently use equipment and material available to them.

Standard 3.4. Peace officers shall be prepared to and shall respond effectively to the demands of their office.

Standard 3.5. Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

Standard 3.6. Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official act or decisions.

Standard 3.7. Peace officers shall recognize that their allegiance is first to the people, then to their profession and the government agency that employs them.

CANON FOUR PEACE OFFICERS WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIFE THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF MEMBERS OF THE LAW ENFORCEMENT PROFESSION.

ETHICAL STANDARDS

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Standard 4.1. Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or the Department, or renders them unfit for their next tour of duty.

Standard 4.2. Peace officers shall not consume intoxicating beverages while on duty, except to the limited degree expressly permitted in the performance of official duties.

Standard 4.3. Peace officers shall not use any narcotics, hallucinates, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their supervisor and discuss any side effects which may affect their ability to perform their duties prior to reporting for duty.

Standard 4.4. Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of their profession. Officers shall be of good moral fitness (See DPSST Administrative Rules).

Standard 4.5. Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.

Standard 4.6. Peace officers shall not engage in illegal political activities.

Standard 4.7. Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise or commercial service which is not the product of the officer involved.

Standard 4.8. Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

Standard 4.9. Peace officers shall at all times conduct themselves in a manner which does not discredit their profession or the Department.

Standard 4.10. Peace officers shall not be disrespectful, insolent, mutinous, or insubordinate in behavior or conduct.

Standard 4.11. Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

Standard 4.12. Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities.

Standard 4.13. Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest or other public demonstration, while acting in an official capacity.

CANON FIVE PEACE OFFICERS SHALL RECOGNIZE THAT OUR SOCIETY HOLDS THE FREEDOM OF THE INDIVIDUAL AS A PARAMOUNT PRECEPT WHICH SHALL NOT BE INFRINGED UPON, WITHOUT, JUST, LEGAL AND NECESSARY CAUSE.

ETHICAL STANDARDS

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Standard 5.1. Peace officers shall not restrict the freedom of individuals, whether by detention or arrest or otherwise, except to the extent necessary to legally and reasonably apply the law.

Standard 5.2. Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

Standard 5.3. Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX PEACE OFFICERS SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

Standard 6.1. Peace officers shall recognize that every person in our society is entitled to professional, effective and efficient law enforcement services.

Standard 6.2. Peace officers shall perform their duties in such a manner as to discourage double standards.

Standard 6.3. Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

Standard 6.4. To maintain the integrity of the profession, it is the duty of each officer to disclose those who violate any of these rules of conduct, violate any law or who conduct themselves in a manner which tends to discredit the profession.

Standard 6.5. Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

Standard 6.6. Peace officers are responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws and requirements of the profession.

Standard 6.7. Chief Executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and competency of their officers. These Canons and Ethical Standards shall be equally applied to all legally defined peace officers regardless of rank.

Standard 6.8. Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN PEACE OFFICERS SHALL COOPERATE WITH OTHER OFFICIALS AND ORGANIZATIONS WHO ARE USING LEGAL AND ETHICAL MEANS TO ACHIEVE THE GOALS AND OBJECTIVES OF THE LAW ENFORCEMENT PROFESSION.

ETHICAL STANDARDS

Standard 7.1. Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

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Standard 7.2. Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

Standard 7.3. Peace officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT PEACE OFFICERS SHALL NOT COMPROMISE THEIR INTEGRITY, NOR THAT OF THE DEPARTMENT OR PROFESSION BY ACCEPTING, GIVING OR SOLICITING ANY GRATUITY.

ETHICAL STANDARDS

Standard 8.1. Peace officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates, or relatives where appropriate.

Standard 8.2. Peace officers shall not consider their badge of office as a license to obtain special favor or consideration.

CANON NINE PEACE OFFICERS SHALL OBSERVE THE CONFIDENTIALITY OF INFORMATION AVAILABLE TO THEM THROUGH ANY SOURCE, AS IT RELATES TO THE PEACE OFFICER'S PROFESSION.

ETHICAL STANDARDS

Standard 9.1. Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

Standard 9.2. Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

Standard 9.3. Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

Standard 9.4. Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Standard 9.5. Peace officers shall treat as confidential all matters relating to investigations, internal affairs and personnel, to the extent authorized or required by law.

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MISSION STATEMENT AND DEPARTMENT VALUES

MISSION STATEMENT

The Tualatin Police Department is dedicated to a safe community and excellence in customer service.

DEPARTMENT VALUES

We are a professional, progressive law enforcement family whose members are our greatest asset. We strive to improve livability for our citizens through public interaction, dedication, customer service, and partnerships with the community. Our family is proud to take care of yours.

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Table of Contents

Chief's Preface 1

CRIMINAL JUSTICE CODE OF ETHICS 2

MISSION STATEMENT AND DEPARTMENT VALUES 7

Chapter 1 - Law Enforcement Role and Authority 13
100 - Law Enforcement Authority 14
102 - Public Safety Certification 16
104 - Oath of Office 17
106 - Policy Manual 18
107 - Chief Executive Officer 21

Chapter 2 - Organization and Administration 22
200 - Organizational Structure and Responsibility 23
204 - Departmental Directives 26
206 - Emergency Operations Plan 27
208 - Training 28
212 - Electronic Mail 30
214 - Administrative Communications 32
216 - Staffing Levels 33
219 - Retiree Concealed Firearms 34

Chapter 3 - General Operations 37
300 - Use of Force 38
302 - Deadly Force Review 46
306 - Handcuffing and Restraints 47
308 - Control Devices and Techniques 53
309 - TASER™ Guidelines 59
310 - Officer-Involved Shootings and Deaths 64
311 - Traumatic Incident 73
312 - Firearms 89
314 - Vehicle Pursuits 98
316 - Officer Response to Calls 109
319 - Domestic Violence 111
321 - Search and Seizure 119
323 - Temporary Custody of Juveniles 121
325 - Adult Abuse 130
327 - Discriminatory Harassment 136
329 - Child Abuse 142
331 - Missing Persons 149
333 - AMBER Alerts 155
335 - Victim and Witness Assistance 158
337 - Hate Crimes 161

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339 - Standards of Conduct 163
341 - Information Technology Use 170
343 - Report Preparation 172
345 - News Media Relations 176
347 - Subpoenas and Court Appearances 180
349 - Reserve Officers 183
351 - Outside Agency Assistance 188
355 - Registered Offender Information 190
357 - Major Incident Notification 192
359 - Death Investigation 194
361 - Identity Theft 197
363 - Private Persons Arrests 198
367 - Limited English Proficiency Services 200
369 - Communications with Persons with Disabilities 208
370 - Requisition and Issuance of Supplies 216
372 - Cash Funds/Accounts 217
374 - Fiscal Management and Agency Owned Property 220
375 - Stalking 222
376 - Officer Wellness Program 224
377 - Chaplains 225
379 - Child and Dependent Adult Safety 230
381 - Service Animals 233
385 - Volunteer Program 235
387 - Off-Duty Law Enforcement Actions 241
388 - Canines 243
389 - Native American Graves Protection and Repatriation 253
390 - Extreme Risk Protection Orders 255

Chapter 4 - Patrol Operations 258

400 - Patrol Function 259
402 - Bias-Based Policing 262
404 - Briefing 265
406 - Crime and Disaster Scene Integrity 267
407 - Tactical Negotiations Team (TNT) 269
408 - Crisis Negotiation Unit (CNU) 273
409 - Mobile Response Team (MRT) 277
410 - Ride-Alongs 283
412 - Hazardous Material Response 286
414 - Hostage and Barricade Incidents 288
416 - Response to Bomb Calls 293
418 - Civil Commitments 296
420 - Citation Releases 300
421 - Body-Worn Cameras 302
422 - Arrest or Detention of Foreign Nationals 311
424 - Rapid Response and Deployment 317
428 - Immigration Violations 320
430 - Emergency Utility Service 324

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434 - Aircraft Accidents . . . 325
436 - Field Training and Evaluation Program . . . 329
439 - Contacts and Temporary Detentions . . . 332
441 - Criminal Organizations . . . 336
443 - Shift Supervisors . . . 342
447 - Mobile Data Terminal Use . . . 343
448 - Authorized Radio Codes . . . 346
449 - Use of Audio Recorders . . . 348
451 - Medical Marijuana . . . 350
457 - Foot Pursuits . . . 355
459 - Bicycle Patrol . . . 358
463 - Homeless Persons . . . 360
465 - Public Recording of Law Enforcement Activity . . . 364
466 - First Amendment Assemblies . . . 367
467 - Medical Aid and Response . . . 374
468 - Suspicious Activity Reporting . . . 376

Chapter 5 - Traffic Operations . . . 378
500 - Traffic Function and Responsibility . . . 379
502 - Traffic Collision Reporting . . . 382
510 - Vehicle Towing . . . 385
512 - Vehicle Impound Hearings . . . 390
514 - Impaired Driving . . . 391
516 - Traffic Citations . . . 396
520 - Disabled Vehicles . . . 398
524 - Abandoned Vehicle And Storage On City Streets Procedures . . . 399

Chapter 6 - Investigation Operations . . . 401
600 - Investigation and Prosecution . . . 402
606 - Asset Forfeiture . . . 407
608 - Informants . . . 414
610 - Eyewitness Identification . . . 420
613 - Unmanned Aerial System (UAS) Operations . . . 424
614 - Warrant Service . . . 428
615 - Operations Planning and Deconfliction . . . 432
616 - Sexual Assault Investigations . . . 438

Chapter 7 - Equipment . . . 442
700 - Department-Owned and Personal Property . . . 443
702 - Personal Communication Devices . . . 446
704 - Vehicle Maintenance . . . 448
705 - Use of City Vehicles - Vehicle Assignments . . . 450
706 - Vehicle Use . . . 452
707 - Cash Handling, Security and Management . . . 458
708 - Personal Protective Equipment . . . 460

Chapter 8 - Support Services . . . 465

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800 - Property and Evidence 466
801 - Prescription Drug Drop Box 474
802 - Records Unit 476
804 - Restoration of Firearm Serial Numbers 479
806 - Records Maintenance and Release 481
808 - Protected Information 489
810 - Computers and Digital Evidence 493
816 - Animal Control 497

Chapter 9 - Custody 502

900 - Temporary Custody of Adults 503
902 - Custodial Searches 518
904 - Prison Rape Elimination 522

Chapter 10 - Personnel 532

1000 - Recruitment and Selection 533
1002 - Evaluation of Employees 539
1004 - Promotional and Transfer Policy 541
1006 - Grievance Procedure 544
1008 - Anti-Retaliation 546
1010 - Reporting of Arrests, Convictions, and Court Orders 549
1012 - Drug- and Alcohol-Free Workplace 551
1014 - Sick Leave 554
1016 - Communicable Diseases 556
1017 - Automatic External Defibrillator (AED) Program 561
1018 - Smoking and Tobacco Use 564
1020 - Personnel Complaints 565
1022 - Safety Belts 576
1024 - Body Armor 578
1026 - Personnel Records 580
1029 - Commendations and Awards 586
1030 - EMPLOYEE TELEPHONE REQUIRED 591
1031 - Fitness for Duty 592
1033 - Meal Periods and Breaks 595
1034 - Lactation Break Policy 596
1035 - Payroll Records 598
1037 - Overtime Compensation Requests 599
1039 - Outside Employment 601
1041 - Occupational Disease and Work-Related Injury Reporting 605
1043 - Personal Appearance Standards 607
1045 - Uniform Regulations 610
1049 - Nepotism and Conflicting Relationships 617
1051 - Employee Involved Domestic Violence 619
1053 - Department Badges 623
1055 - Modified Duty Assignments 625
1059 - Employee Speech, Expression and Social Networking 628

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Attachments 632
Uniform_Equipment_List_2020.pdf 633
Org Chart April 2022 updated.pdf 634
2020 Child Abuse MDT Protocol.pdf 635

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 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 department are peace officers pursuant to ORS 161.015. Peace officer authority extends to any place in the State of Oregon.

100.2.1 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 ORS 161.233, ORS 161.242, 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.

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

100.3 CONSTITUTIONAL REQUIREMENTS

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

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100.4 POLICY

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

While this department 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 department does not tolerate abuse of law enforcement authority.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).

(c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

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

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Public Safety Certification

102.1 BASIC CERTIFICATION

The Department of Public Safety Standards and Training requires that all sworn law enforcement officers and dispatchers employed within the State of Oregon receive certification within 18 months of appointment. Corrections officers are required to receive certification within 12 months of appointment (OAR 259-008-0060).

102.2 SUPERVISORS AND MANAGERS

In addition to basic certification, supervisors and mid-level managers are required to complete the supervision course or middle management course, respectively, within 12 months of appointment unless a time extension is granted by DPSST (OAR 259-008-0025). Supervisors and managers should also seek the appropriate level of certification (OAR 259-008-0060).

102.3 MAINTENANCE OF CERTIFICATION

In order to maintain certification, all active law enforcement officers and dispatchers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

Active police officers who hold Supervisory, Management or Executive certification must complete at least 24 hours of department-approved Leadership/Professional training every three years, as part of the on-going training required for all peace officers (OAR 259-008-0065).

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Oath of Office

104.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

104.1.2 AFFIRMATION

I, (name), do solemnly swear or affirm that I will support the Constitution of the United Stated of America, the Constitution and Laws of the State of Oregon, the ordinances of the City of Tualatin, and the Rules and Regulations of the Tualatin Police Department; and that I will faithfully discharge the duties of the office I have been appointed, according to law, and to the best of my ability.

104.2 LAW ENFORCEMENT CODE OF ETHICS

All personnel of the Tualatin Police Department are required to subscribe and adhere to the Law Enforcement Code of Ethics as presented in the introduction to this Policy Manual.

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Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Tualatin Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Tualatin Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Tualatin Police Department reserves the right to revise any policy content, in whole or in part.

106.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations.

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City - The City of Tualatin.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/TuPD - The Tualatin Police Department.

DHS - Department of Human Services.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the Department.

Manual - The Tualatin Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Tualatin Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers

OAR - Oregon Administrative Rules (Example: OAR 259-008-0060).

ORS - Oregon Revised Statutes (Example: ORS 153.039).

OSP - The Oregon State Police.

Officer/sworn - Those employees, regardless of rank, who are sworn peace officers employees of the Tualatin Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

106.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

106.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chief Executive Officer

107.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Oregon are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Tualatin Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (OAR 259-008-0060).

107.2 POLICY

It is the policy of the Tualatin Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

107.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of employment, should have, within two years of appointment, successfully obtained Executive certification through the Department of Public Safety Standards and Training (DPSST) and be licensed by DPSST.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public. See attachment: Org Chart April 2022 updated.pdf

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Tualatin Police Department. There are three divisions in the Police Department as follows:

- Administration Division
- Patrol Division
- Support Services Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Chief of Police whose primary responsibility is to provide general management direction and control for the Patrol and Support Services Division Commanders and the Administration Division. The Administration Division consists of an Office Coordinator and a Program Coordinator who provide Technical Services and Administrative Services for the department.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management, direction, and control for that Division. The Patrol Captain is responsible and accountable for all aspects of their command.

200.2.3 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Captain whose primary responsibility is to provide general management, direction and control for the Investigative Services Division, Records Division and all support related staff. The Support Services Captain is responsible and accountable for all aspects of their command.

200.2.4 SERGEANTS

Sergeants are the first level of supervision and have the responsibility to guide, direct, motivate and train those personnel under their supervision. Sergeants are responsible and accountable for all aspects of their command.

200.2.5 OFFICER IN CHARGE (OIC)

An Officer In Charge (OIC) is the first level of supervision in the absence of a Sergeant. The OIC may contact the on-call Sergeant if the need arises.

200.3 COMMAND PROTOCOL

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200.3.1 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g. K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.2 ORDERS
Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

200.3.3 UNLAWFUL AND CONFLICTING ORDERS
No member is required to obey any order which outwardly appears to be in direct conflict with any federal or state law, or local ordinance. If the legality of an order is in doubt the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.

200.4 ABSENCE OF CHIEF OF POLICE
The Chief of Police has authority and responsibility for the management, direction, and control of the operations and administration of the department. The Chief of Police will designate a person to act as Chief in his/her absence. Should the Chief be unable to do so, the City Manager will designate a person to act as Chief.

200.5 CHAIN OF COMMAND
Members shall conduct internal business utilitzing the chain of command as indicated on the organizational chart, unless good cause exists to deviate from the chain of command. The chain of command shall not be disregarded in conducting official business except where authorized by the Chief of Police or department policy.

200.6 DUTY TO OBEY LAWFUL ORDERS
Members will obey any lawful order of a superior, including orders relayed from a supervisor by a member of the department. Refusal demonstrated by failure of any member to obey a lawful order or other intentional non-compliance constitutes insubordination, unless the member can establish

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that (1) the situation was not a tactical emergency, and (2) ordinary and prudent knowledge would indicate that the order would be detrimental to the city, police department, or the physical well-being of the member or citizens.

Orders should be given in a civil tone and in pursuit of department business. All personnel are expected to obey lawful orders from ranking personnel as promptly and as completely as possible.

Should any lawful order given by a superior conflict with any previous order, the member should respectfully bring this conflict to the attention of the superior. The superior who issued the conflicting order should take into account the subordinate's point of view and make a decision concerning what is to occur. The supervisor should correct the conflict if possible and appropriate and shall assume responsibility for the subordinate's subsequent action. The subordinate shall follow the last order received unless it is clearly contrary to law. A mistake or misunderstanding will not relieve the subordinate of responsiblity for insubordination if the subordinate is wrong in the decision not to comply.

No supervisor shall issue any order which is in violation of any law.

Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member is required to obey any order which the member reasonably and correctly believes is contrary to federal, state or local law.

The member should explain the reason for unlawfulness to the superior and request clarification from proper authority before proceeding. A member receiving an unlawful, unjust, or improper order, shall, at first opportunity, report it in writing to the Chief of Police through the chain of command. The report should contain the facts of the incident and the action taken.

200.7 ACCOUNTABILITY

Supervisors and managers shall be accountable for the performance of the members under their immediate control.

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Departmental Directives

204.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to announce changes topolicy and procedure.

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate. A Departmental Directive will be rescinded once it has been incorporated into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 08-01 signifies the first Departmental Directive for the year 2008.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The Command Staff shall review and approve revisions of the Policy Manual.

204.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Training Coordinator.

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Emergency Operations Plan

206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated (ORS 401.305).

All employees shall receive annual refresher training on the details of the Tualatin Emergency Operations Plan.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. For this department, the Chief of Police or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

206.3 LOCATION OF MANUALS

The manual for the employees is available in Administration and the Police Department's Conference Room Library. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

206.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the police building, all employees shall follow implemented evacuation plans and posted exit routes (OAR 437-002-0041). The posted exit routes shall include any special directions for physically impaired employees.

206.5 OFFICER CALL-OUT DURING DISASTERS/EMERGENCIES

During the preparatory or response phases of a disaster or emergency, the Tualatin Police Department may activate off-duty personnel on a call-out basis as described under applicable sections of the Collective Bargaining Agreement. Deployment of personnel under the City's Emergency Response Plan may be for standard periods of up to 12 hours and in excess of 40 or 42 hours per week. Any hours worked in excess of an employees normal weekly hours will be compensated as overtime, also pursuant to the Collective Bargaining Agreement.

206.6 UPDATING OF MANUALS

The Chief of Police or the authorized designee should review the Emergency Operations Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions.

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Training

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever possible, the Department will use courses certified by the Oregon Department of Public Safety Standards and Training (DPSST).

208.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of department personnel.

(d) Enhance the safety of officers and the community.

208.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Coordinator. It is the responsibility of the Training Coordinator to maintain, review and update the training plan on an annual basis. The plan will address the following areas:

- Legislative changes and changes in case law
- State-mandated training
- Prison Rape Elimination Act (PREA)
- High-liability issues training
- Training on department policies and procedures

208.5 TRAINING NEEDS ASSESSMENT

The Training Division will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

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208.6 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:

1. Court appearances.
2. First choice vacation.
3. Sick leave.
4. Physical limitations preventing the employee's participation.
5. Emergency situations.

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible, but no later than at least one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Coordinator to attend an alternate date.

208.7 TRAINING COSTS

It is the responsibility of the Training Coordinator to determine when the Tualatin Police Department may be entitled for training reimbursements when an officer has completed any portion of basic training in the last 36 months and voluntarily leaves employment and is subsequently employed by a different law enforcement agency in a position that requires the same training. If it is determined to seek reimbursement for qualifying expenses, the requests shall comply with the provisions of ORS 181A.620.

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Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the department's electronic mail (email) system by employees of this department. Email is a communication tool available to department employees to enhance the efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law, such as the Oregon Public Records Law set forth in Oregon Revised Statutes 192.311 et seq. Messages transmitted over the email system must only be those that involve City business activities or contain information essential to City employees for the accomplishment of business-related tasks, and/or communication directly related to City business, administration, or practices.

212.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system. Likewise, employees are prohibited from receiving, sending or storing email messages in personal files. The Department reserves the right to access any personal folders to assure compliance with this policy.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

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212.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Oregon Public Records Law and must be managed in accordance with the established records retention schedule and in compliance with state law.

The City Information Systems Administrator shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

214.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members with the protocols and forms to be used for internal and external administrative communications. Administrative communications of this department are governed by the following policies.

214.2 INTERNAL MEMORANDUMS

Internal memorandums on approved memo form may be used periodically by Department personnel to communicate within the Department, issues such as, but not limited to, the announcement and documentation of all written orders, promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status, etc.

214.3 EXTERNAL CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external (outside the Department) correspondence shall be on Department letterhead. The Department letterhead will be the approved "City of Tualatin Police Department" letterhead. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

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Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper staffing is available for all teams and units at all times. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the Department's need to meet operational requirements.

216.2 MINIMUM STAFFING LEVELS

The City will continue to reserve the right to change established minimums at any time based on the Department's operational needs. Whenever possible, a supervisor will be on duty.

216.2.1 SUPERVISION DEPLOYMENTS

A supervisor will be assigned to each team or unit of the Department. In the absence of a patrol Sergeant, the most senior patrol officer on duty will act as the Officer In Charge (OIC) of the team. The Department will maintain a list of on-call supervisors who will be available to respond or for the OIC to contact if the need arises.

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Retiree Concealed Firearms

219.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Tualatin Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

219.2 POLICY

It is the policy of the Tualatin Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

219.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

219.3.1 IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Tualatin Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

219.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Oregon law or by a private person or entity on his/her property if such prohibition is permitted by Oregon law.

219.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Patrol Sergeant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

219.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

219.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

219.6 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the

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date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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Chapter 3 - General Operations

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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.

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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 (ORS 181A.681).

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 (ORS 181A.681).

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 (ORS 181A.681).

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 the least 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.

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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 (ORS 161.233):

(a) To make a lawful arrest or to prevent the escape from custody of an arrested person; or

(b) For self-defense or to defend a third person from an imminent threat of physical injury.

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 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 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) (ORS 161.233; ORS 161.242).

300.3.6 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 (ORS 161.233; ORS 161.242).

300.3.7 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 and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify the officer 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 (ORS 161.242):

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

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(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.

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.

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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 the individual 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, 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

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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.

(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.

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300.7.1 PATROL SERGEANT 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.

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.

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Deadly Force Review

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

302.2 POLICY

The Tualatin Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to utilize a multi-agency major crimes team and their protocols to conduct the initial investigation.

After the initial investigation, the Department will conduct an administrative review.

302.3 ANNUAL REVIEW

An annual review will be conducted on all use of deadly force incidents in accordance with the Department Use of Force policy.

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 POLICY

The Tualatin Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Tualatin Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

306.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

306.3.4 NOTIFICATIONS
Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.

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Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 WRAP RESTRAINT

The WRAP, manufactured by Safe Restraints, Inc., was designed as a temporary restraining device. Used properly, it can increase officer safety and reduce risk of liability due to injuries and in-custody deaths. The WRAP immobilizes the body and restricts a subject's ability to kick or do harm to oneself and others. The WRAP minimizes the time required to secure a person safely, restrains the subject in an upright position, and has the subject prepared for transport or movement.

306.8.1 DEPLOYMENT AND USE

The WRAP can be used prior to or after a violent or potentially violent or combative subject is controlled using approved departmental methods. Like any restraint device, do not assume the WRAP is escape-proof. Once applied, the subject should not be left unattended.

The WRAP should be considered for use under the following situations:

(a) Whenever you anticipate possible violent or combative behavior

(b) To immobilize a violent or combative subject

(c) To limit violent or combative subjects from causing injury to themselves or others

(d) To prevent violent or combative subjects from causing property damage by kicking

(e) To restrain subjects after a chemical spray, extended range baton, or Taser is used, if necessary

(f) When conventional methods of restraint are not effective

(g) In transportation of violent or combative subjects

(h) To assist with cell extraction of violent or combative subjects

Once the subject is properly restrained in the WRAP, they can be placed on their side or in a sitting position. This will increase the oxygen recovery rate, allowing for respiratory recovery.

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The WRAP can be applied by one person if the subject is passive, but for violent or combative subjects, three or more people should be used. Only qualified personnel who have received training on the use of the WRAP should use this restraining device.

306.8.2 DEPLOYMENT CONSIDERATIONS

Precautions should be taken when the WRAP is in use. Such precautions include:

(a) The shoulder harness should never be tightened to the point that it interferes with the subject's ability to breathe

(b) The leg bands and shoulder harness must be checked frequently for tightness and adjusted as necessary until the WRAP is removed

(c) If the restrained subject complains of, or shows signs of, breathing distress (shortness of breath, sudden calmness, a change in facial color, etc.), medical attention should be provided immediately

(d) The subject should never be left unattended

(e) Subjects should be placed in an upright sitting position or on their side as soon as possible to allow for respiratory recovery

(f) The WRAP is a temporary restraining device and is not escape-proof

(g) The WRAP is to be used by trained personnel only

306.8.3 CARE AND STORAGE

The WRAP should be inspected after each use for signs of damage or wear. If any damage is discovered, forward the WRAP to appropriate personnel for repair or replacement.

If cleaning is necessary, use a mild soapy solution or disinfectant approved for use on vinyl and nylon materials. If blood is absorbed into any part of the WRAP, that part should be replaced. Thoroughly rinse all disinfectant from the unit prior to drying. After cleaning the WRAP, allow it to thoroughly air dry before returning it to its carry bag.

It is important that the WRAP is immediately ready for use and prepared for storage in a way that prevents the loop fastening material on the bands from becoming dirty or entangled. This allows the WRAP to be quickly laid out next to the subject and applied without the confusion of having to untangle the bands. To properly prepare the WRAP for storage in the carry bag, utilize the following steps:

(a) Lay the WRAP on a flat surface with the leg band side up and detach the shoulder harness. Extend each of the leg bands out flat

(b) Individually fold each of the leg bands back onto itself, so that the fold of the band protrudes an inch or two from the edge of the body of the WRAP

(c) Be sure the retaining D-ring on the body of the WRAP and harness is open and ready for use

(d) Keeping the bands inside, roll the WRAP tightly towards the buckle and secure with the ankle strap, then place in carry bag

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(e) Fully extend the harness buckles and tether. Attach buckles to its counterpart and rol the harness up, then place in the carry bag compartment

306.9 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

306.10 TRAINING

Subject to available resources, the Training Coordinator should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.1.1 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved control device may only be used when its use appears reasonable under the circumstances.

308.1.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected by the department Armorer or Rangemaster, or the designated instructor for a particular control device.

308.1.3 TRAINING FOR CONTROL DEVICES

Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.

(a) Training for all control devices should occur every two years at a minimum.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Tualatin Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual Department members to use specific control devices.

308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device

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appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

308.4 RESPONSIBILITIES

Only authorized personnel may possess and employ department issued oleoresin capsicum spray.

308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

All personnel authorized to carry oleoresin capsicum spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum spray.

308.4.2 CHIEF LESS LETHAL MUNITIONS INSTRUCTOR RESPONSIBILITIES

The Chief Less Lethal Munitions Instructor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Chief Less Lethal Munitions Instructor or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.4.4 TREATMENT FOR OC SPRAY AND CS EXPOSURE

Persons who have been affected by the use of OC spray and chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by competent medical personnel.

308.4.5 REPORT OF USE

All uses of chemical agents and OC spray shall be documented in the related police report and an accompanying Use of Force statistical report. Reference the Tualatin Police Department Report Writing Manual.

308.4.6 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or exterior vest. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

308.5.1 DEPLOYMENT

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the Kinetic Energy Projectiles shall precede the application of a Kinetic Energy Projectile in order to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply

(b) Provide other officers and individuals with a warning that a kinetic energy device may be deployed

308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

(a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions

(b) Has made credible threats to harm himself or others

(c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers

308.5.3 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider the following factors:

(a) Severity of the crime or incident

(b) Subject's capability to pose an imminent threat to the safety of officers or others

(c) If the subject is actively resisting arrest or attempting to evade arrest by flight

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(d) The credibility of the subject's threat as evaluated by the officers present, and physical capacity/capability

(e) The proximity of weapons available to the subject

(f) The officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)

(g) The availability of other force options and their possible effectiveness

(h) Distance and angle to target

(i) Type of munitions employed

(j) Type and thickness of subject's clothing

(k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate

308.5.4 APPROVED MUNITIONS
Only department approved kinetic energy munitions shall be carried and deployed.

308.5.5 USE OF KINETIC ENERGY PROJECTILES BY SUPERVISORS & OFFICERS
Officers who have completed training may carry a single shot munitions launcher, which is chambered to launch a 40 mm less lethal projectile.

Supervisors and officers will inspect thelauncher at the beginning of each shift to ensure that it is in proper working order and staged with approved projectiles only.

308.5.6 SAFE HANDLING OF WEAPONS
The intent of this policy is to promote proper safety while handling kinetic energy devices and projectiles on and off duty. Employees shall maintain the highest level of safety when handling these devices and shall consider the following:

(a) Officers shall not unnecessarily display or handle any kinetic energy device.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the police range or training facility, and shall obey all orders issued by the Chief Firearms Instructor or weapons instructor.

(c) Any member who discharges a kinetic energy device accidentally or intentionally, on or off-duty, except during training, shall make a verbal report to the on-duty supervisor as soon as circumstances permit and shall file a written report with their Division Commander prior to the end of shift if on-duty. If off-duty, as directed by the supervisor.

(d) Officers shall not place or store any kinetic energy device or projectiles in department premises except when the place of storage is locked.

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308.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public (ORS 181A.708).

308.6.1 SUPERVISOR'S RESPONSIBILITIES

The Shift Supervisor or OIC shall monitor the use of control devices in the same manner as all other use of force incidents.

(a) The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training.

(b) Properly trained Officers may utilize the control devices they have been issued at their discretion based on their best judgement of the totality of the circumstances that appear at the time and place of the incident, pursuant to all other sections of this policy.

(c) A Shift Supervisor shall review each use of control devices by any personnel within his or her command.

(d) The Shift Supervisor shall ensure briefing training on the use of control devices is provided as needed.

308.6.2 INSTRUCTOR RESPONSIBILITIES

The Chief Less Lethal Munitions Instructor and Chief Defensive Tactics Instructor shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the appropriate Chief Instructor for disposition, repair or replacement.

308.6.3 MAINTENANCE RESPONSIBILITY

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device and/or technique listed within this section shall be documented pursuant to Policy Manual § 300.4 and 300.5.

308.8 CROWD CONTROL GUIDELINES

For the purpose of this section, "crowd control" means an operation in which crowds are managed to prevent the outbreak of violence or physical harm to persons, or in which an assembly, protest, or demonstration is dispersed (ORS 181A.708).

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Handheld chemical incapacitants and kinetic impact projectiles as defined by ORS 181A.708 shall not be used for crowd control. Tear gas may be used for crowd control when the Patrol Sergeant, Incident Commander, or Crisis Negotiation Unit (CNU) Commander reasonably believes that the use is necessary to prevent death or serious bodily injury or to bring an objectively dangerous and unlawful situation under control (ORS 181A.708).

Prior to deploying tear gas for crowd control purposes, the Patrol Sergeant, Incident Commander, or CNU Commander shall direct that the intent to use tear gas be announced twice via reasonable and available means, the second announcement occurring after a reasonable amount of time has elapsed to allow for crowd dispersal (ORS 181A.708).

308.8.1 ADDITIONAL CROWD CONTROL CONSIDERATIONS

Officers may not use electronically amplified noise-producing equipment for crowd control except to make announcements, facilitate movement of emergency vehicles, or as otherwise allowed by law. When possible, announcements shall be made both audibly and visually (ORS 181A.708).

After deploying chemical incapacitants, kinetic impact projectiles, or sound devices in a crowd control operation, and when it is possible to do so safely, officers shall (ORS 181A.708):

(a) Attempt to take injured individuals to safety or allow them to seek medical help.

(b) Allow emergency medical personnel to reach injured individuals.

(c) Take reasonable action to accommodate individuals with disabilities when issuing or enforcing orders to disperse.

(d) Coordinate the removal of visible debris caused by the use of tear gas and kinetic impact projectiles.

(e) Make reasonable efforts to notify emergency departments in the vicinity of the type of chemical incapacitants and/or kinetic impact projectiles used.

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TASER™ Guidelines

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER® devices.

309.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person, in their thigh pocket, or in their outer duty vest. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

309.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

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309.5.5 DANGEROUS ANIMALS
The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.5.6 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

309.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

309.7 MEDICAL TREATMENT

Used TASER probes shall be removed as soon as practical and probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

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Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

310.1.1 DEFINITIONS

Involved officer - An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person. As used here, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident (ORS 181.789(a)).

An officer whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by an officer resulted in the death of a person (ORS 181.789(b)):

- Began before or during the use of the deadly physical force; and
- Was reasonably likely to have exposed the officer to greater stresses or trauma than other officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force.

310.2 POLICY

The policy of the Tualatin Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved officers.

(d) A civil investigation to determine potential liability.

310.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

310.4.1 TUALATIN POLICE DEPARTMENT OFFICER_DEPUTY WITHIN THIS JURISDICTION

The Tualatin Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Major Crimes Team as designated in the Officer-Involved Critical Incident Protocol in conjunction with the District Attorney's Office.

310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will include at least one investigator from another law enforcement agency (ORS 181A.790).

Requests made of this department to investigate a shooting or death involving an outside agency’s officer shall be referred to the Chief of Police or the authorized designee for approval.

310.4.3 TUALATIN POLICE DEPARTMENT OFFICER_DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Tualatin Police Department will conduct timely civil and/or administrative investigations.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	**Criminal Investigation of Officer(s)**	**Civil Investigation**	**Administrative Investigation**
Tualatin Police Department Officer in this Jurisdiction	Inter-Agency Major Crimes Team	Officer-Involved Critical Incident Protocol and District Attorney's Office	Tualatin Police Department Civil Liability Team	Tualatin Police Department Professional Standards Unit
Allied Agency's Officer in this Jurisdiction	Inter-Agency Major Crimes Team	Officer-Involved Critical Incident Protocol and District Attorney's Office	Involved Officer's Department	Involved Officer's Department

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An officer From this department in Another Jurisdiction	Agency where incident occurred	Officer-Involved Critical Incident Protocol dictated by county where incident occurred	Tualatin Police Department Civil Liability Team	Tualatin Police Department Professional Standards Unit

310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals

(b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s)

1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(c) If necessary, the supervisor may administratively order any officer from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide information other than public safety information.

(e) Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.

(g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to an isolated location for further direction. The location should be approved by the Sergeant or on-duty supervisor and should be free from any disruptions or outside media influence.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.

2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

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310.5.2 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved TuPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

310.5.3 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved TuPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any TuPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Patrol Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional TuPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved TuPD officer should be given an administrative order not to discuss the incident with other involved officers or TuPD members pending further direction from a supervisor.

2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

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310.5.4 PATROL SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Patrol Sergeant.

310.5.5 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Division Commander
- Officer-Involved Critical Incident Protocol rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer’s agency representative (if requested)
- Public Information Officer

310.5.6 DUTY ASSIGNMENT RESTRICTIONS

The Department should not return an involved officer to a duty assignment in which the officer may have to use deadly force for at least 72 hours after an incident where the application of deadly force resulted in the death of a person. The Department shall maintain the regular pay and benefits for any involved officer whose assignment is adjusted pursuant to this section (ORS 181A.790). As it relates to this duty assignment restriction, “involved officer” means (ORS 181A.790):

(a) An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.

(b) An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

310.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) TuPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of TuPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

310.6.1 REPORTS BY INVOLVED TUPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved TuPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved TuPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved TuPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should

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take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

310.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Available personnel should be assigned to promptly contact the suspect's family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved TuPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/ her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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Traumatic Incident

311.1 PURPOSE AND SCOPE

The purpose of this policy and procedure is to:

- Establish clear guidelines for commitment to provide assistance to members involved in any type of traumatic incident as defined within.
- Establish clear guidelines and protocol for the Critical Incident Stress Management Team (CISMT). The Tualatin Police Department considers the mental and emotional health of all employees as being of prime importance. The department will maintain a trained Critical Incident Stress Management Team (CISMT).
- Establish clear guidelines and protocols for providing support and emotional care for an Officer's family following a line-of-duty death.

311.1.1 DEFINITIONS

Traumatic Incident: A situation faced by personnel, which causes them to experience unusually strong emotional reactions that have the potential to interfere with the ability to function, either at the scene or at a later time. A situation does not have to be a major disaster to be classified as a traumatic incident.

The following are examples of traumatic incidents:

- The serious injury or death of any Tualatin Police personnel while on duty or off duty. The serious injury or death of a suspect or any civilian bystander resulting from police operations.
- A case which is charged with profound emotion, such as the sudden death of an infant under particularly tragic circumstances.
- A case involving a Department member(s) which attracts extremely unusual attention from the news media.
- Loss of life which follows extraordinary and prolonged expenditures of physical and emotional energy in a rescue attempt.
- An incident in which the circumstances are so unusual or the sights and sounds are so distressing as to produce a high level of immediate or delayed emotional reaction which surpasses normal coping mechanisms.

Directly Involved: Those department members who were immediately present and in a position to observe the traumatic incident.

Administrative Leave: A period in which the department member is relieved of their regular duties with pay. During this time the department member shall remain available for interviews, appointments or other administrative assignments related to the incident for which they were placed on administrative leave. If the leave encompasses the members regular days off, any

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interviews done with TPOA members on the member's days off will be subject to overtime provisions. Interviews done on the days off of non-TPOA members will be subject to FLSA overtime.

Critical Incident Stress Management Team (CISMT): A trained team of department members that offer peer support assistance and appropriate support resources to other department employees who experience personal and/or professional problems that adversely affect their work performance, their family units or themselves.

Stressful & Traumatic Incident Committee (STIC): A Washington County interagency group made up of Police Officers, Dispatchers, Chaplains, Fire personnel, and Non-Sworn support staff.

Active Member: All employees of the Tualatin Police Department, sworn or non-sworn, volunteer or paid.

Line-Of-Duty Death: Any action, felonious or accidental, which claims the life of a Tualatin Police employee who is performing work-related functions either while on duty or off duty.

Survivors: Immediate family members of the deceased officer (spouse, children, parents, siblings, fiancee, and/or significant others.

Beneficiary: Those designated by the employee as recipients of specific death benefits.

Benefits: Financial payments or gifts-in-kind made to the family to insure financial stability following the loss of a loved one.

Funeral Payments: Financial payments or in-kind gifts made to the surviving families of an active member killed in the line-of-duty which are specifically earmarked for funeral expenses.

311.1.2 LEAVE PROCEDURE

(a) Any department member whose actions or use of force results in a death or serious physical injury shall be released from the scene. They will then be placed on mandatory administrative leave with pay for the duration of the department member's shift and for a period of time as determined by the Chief of Police. Administrative leave is in the interest of the department member(s) and the department and shall not be waived. The assignment shall not be interpreted to imply or indicate that the department has acted improperly. If the department member(s) is in need of additional administrative time off, sufficient time shall be granted by the Chief of Police or his/her designee without penalty.

(b) Any department member witness who was directly involved shall be placed on administrative leave with pay for a period of time at the request of the department member or at the discretion of the member's supervisor.

(c) Counseling services will be made available for the member(s) and their families/ significant others through the Chief of Police or his/her designee. Contacts between involved officers and the counseling service will be confidential. In all cases where

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serious injury or death results from the use of deadly force or other action, such as a car crash that results in a death or extreme result, the involved member(s) shall meet with a Department and Association approved psychologist or psychiatrist experienced in assisting law enforcement personnel and their families to recognize and cope with the natural responses to a traumatic incident. The meeting is mandatory and cannot be waived. A list of professionals specializing in this field will be established and kept current. The member(s) will have the choice in determining which he/she visits. All conversations between the member, their families/significant others, and the debriefing psychologist or psychiatrist are considered confidential and subject to the doctor-patient privilege. This meeting will take place while the member is on administrative leave.

(d) Follow-up meetings will take place as determined by the psychologist/psychiatrist. These meetings are designed to deal with any delayed stress caused by the incident. They should occur on the anniversary or as close to the anniversary of the incident as possible.

(e) Member(s) involved in traumatic incidents where deadly force is used will have available the services of the department CISM team, Washington County S.T.I.C. team or other CISM trained team.

(f) The effects of a traumatic incident can affect the member's mental wellbeing as well as their ability to perform their job. If an employee is involved in a "non-deadly force" traumatic incident, their supervisor should be made aware of the incident. The supervisor will be required to monitor the employee for signs of unexpected changes in work behavior and/or performance. If the supervisor determines that the employee is showing behavioral changes that are adversely affecting the employee's work performance, the Chief of Police or his/her designee may place the employee on administrative leave, with pay, and refer the employee to the Employee Assistance Program.

311.1.3 SPIRITUAL SUPPORT

In all cases involving traumatic incidents, the involved member and their family/significant other will have available to them the services of a chaplain, pastor, minister, priest, member of the department, etc. The purpose is to provide the member and/or their family/significant other with a source of professional consultation to aid them in dealing with the potential moral and ethical after-effects of a traumatic incident.

A chaplain will be made available in any and all cases involving traumatic incidents. Services from the chaplain may be utilized by the department, their significant other, and their family.

311.1.4 RETURN TO DUTY

In determining the appropriate administrative action to take in ending the member's administrative leave and returning the member(s) to regular duty, the Chief of Police may seek and consider the professional opinion of any psychologist/psychiatrist and/or treating physician as to:

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- Whether the member(s) should be expected to report to full duty in his/her regular assignment or whether the member needs additional recuperation time and, if so, how much additional time is recommended.
- Whether any modifications of the member's regularly assigned duties should be considered by the department in order to facilitate the member's speedy return to full productivity and, if so, the nature and duration of the recommended modifications.
- Additional psychological evaluation, assistance, and counseling will be made available if it is deemed necessary and will result in the employee's ability to return to or continue active duty.

The department will be sensitive to the personal needs of the member and the member's family and furnish all possible support and assistance.

311.2 CRITICAL INCIDENT STRESS MANAGEMENT TEAM (CISMT)

CISMT members will have attended a department recognized certification course, and subsequent advanced training in peer support and Critical Incident Stress Management.

This program is designed to:

- Provide emotional support during and after times of personal or professional crisis to employees who express a need for assistance.
- Promote trust, allow appropriate anonymity, and preserve confidentiality for persons using CISMT members within the guidelines of the program.
- Develop CISMT members who can identify personal crises or conflicts and provide guidance or referral to professional or alternate resources when required. Maintain an active team relationship with a police psychologist for guidance and referral.
- Maintain an effective peer support training and response program.
- Maintain liaison with the Washington County traumatic incident team (known as STIC) for CIS events and subsequent interventions.
- Support employees who have experienced family tragedies.
- Check on the status of employees who are experiencing serious illnesses or injuries and provide support where desired or needed.
- Provide training and education on mitigating the effects of stress and critical incidents on one's ability to function on the job, or in their personal life.

311.2.1 DUTIES AND RESPONSIBILITIES OF CISMT

The duties and responsibilities of the Peer Support members of the CISMT include the following:

- Convey trust, anonymity, and assure confidentiality to employees, within the guidelines of ORS 181.860, who seek assistance from CISMT.
- Attend training as required.

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- Assist employees by referring them to the appropriate outside resource when necessary.
- Be available for additional follow-up support.
- Maintain contact with the CISMT Supervisor or their designee regarding program activities.
- Agree to be contacted and, if practical, respond at any hour.

311.2.2 CISMT PROGRAM MANAGEMENT & SUPERVISOR DUTIES

CISMT Program Management:

- The overall management of the team will come from the CISMT Supervisor or designee who will insure the program is being managed by its members in accordance with the goals and objectives established for the program.
- CISMT Supervisor will coordinate with the command staff to schedule defusings and debriefings.

Duties of the CISMT Supervisor include but are not limited to:

- Supervising the program on a daily basis.
- Managing recruitment and screening of program applicants.
- Coordinating training of CISMT members.
- Developing resources to assist individuals when problem areas are identified, ie: referral of a person to a professional psychologist.
- Offering guidance to CISMT members when necessary.
- Coordinating follow-up response of CISMT members when referrals are made to outside resources.
- Coordinating with designated local CISM teams

311.2.3 CISMT MEMBERSHIP

Membership to CISMT will be an assignment made by the Chief of Police and the CISMT Supervisor.

- CISMT may have up to (6) employees of the Tualatin Police Department and at least one member of the Chaplaincy designated by CISMT.
- In addition, administrative staff, may be attached to CISMT to assist the CISMT Supervisor in administering the program.
- When a vacancy occurs on the Team, the CISMT Supervisor may cause the vacancy to be filled.

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When possible and without compromising the selection process, new members shall be selected to provide proportionate representation from both sworn and non-sworn Tualatin Police Department members.

311.2.4 CISMT TRAINING

It is the responsibility of the CISMT Supervisor to ensure that all CISMT members receive competent and up to date training in:

- Basic critical incident stress management
- Advanced critical incident stress management
- Peer support
- Suicide prevention and intervention

A team member not fully trained as outlined above shall always be paired with a fully trained team member for any response activities. CISMT training should meet standards set forth by International Critical Incident Stress Foundation.

311.2.5 CONFIDENTIALITY

The acceptance and overall success of CISMT will be determined, at least in part, by observance of confidentiality. It is imperative that each member maintain strict confidentiality of all information learned from an individual within the guidelines of ORS 181.860.

Communications between a team member and department personnel shall remain confidential except for those communications identified in ORS 181.860 which include:

- A threat of suicide or homicide by a participant in a peer support counseling session.
- Any information relating to the abuse of children or of the elderly, or other information that is required to be reported by law.
- Any admission of criminal conduct.
- It is critical that all CISMT members become well versed in all aspects of ORS 181.860.
- CISMT members will inform the participant, prior to discussion, limitations and exceptions regarding the information revealed. In those cases where any question arises regarding confidentiality, CISMT members should immediately contact the CISMT Supervisor or their designee who will advise on the appropriate action to be taken.

311.2.6 INTERNAL INVESTIGATIONS INVOLVING CISMT

It may occur that a CISMT member is called to assist an individual who is or becomes the subject of an internal investigation. The guidelines of ORS 181.860 must be followed in this circumstance.

The role of CISMT members in internal investigative circumstances should be one of support and assisting individuals through stress they may face during the disciplinary process. If CISMT

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members have questions or concerns regarding these situations, they should consult with the CISMT Supervisor or their designee.

311.2.7 CISMT RESPONSES TO CRITICAL INCIDENTS

Officer involved incidents such as: use of deadly force, tragedies, deaths, serious injuries, hostage situations, and threatening situations are examples of "Critical Incidents" which may overwhelm normal coping mechanisms, possibly causing unusually strong emotional reactions. These reactions have the potential of interfering with an individual's ability to function at a particular scene or at a later time. A critical incident may affect an entire responding group, a few people, or only a single individual.

The following are examples of critical incidents that may require a CISMT response:

- Officer involved shooting and/or officer use of deadly force
- Death of a co-worker
- Death or major injury to a child
- Police personnel directly involved in or causing death or injury to another
- Victim reminding an employee of another person the employee was/is close to
- Any highly dangerous event that incites threat of serious injury or death
- An event of high media interest
- Death after prolonged rescue attempts
- Mass casualty events

Possible CISMT responses to a critical incident include:

- Peer Support. A "one on one" is a confidential meeting between a trained CISMT member and a department member who asks for, or is referred to, the CISMT member for intervention.
- Defusings. A short (30 minute) confidential intervention conducted as soon as practical after a critical incident for those personnel involved. Conducted by CISMT members for the purpose of 'defusing' a critical event and provide an update or status report, briefly discussing acute stress and the methods to reduce its effects. The defusing does not necessarily eliminate the need for a Critical Incident Stress Debriefing.
- Debriefing. A confidential compulsory group crisis intervention usually held within 12-72 hours after the incident usually including only those personnel who were directly involved in or who witnessed a critical incident. The Critical Incident Stress Debriefing should be carried out after all post incident services and inquiries have been completed (i.e. police reports, medical attention, internal investigation, etc) and focus on improving acute psychological disturbances rather than curing long-standing

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mental disorders. Management and other personnel, not directly involved with the incident, should not be involved in the debrief activities.

- Crisis Management Briefings (CMB). Many events exist that impact a large number of people, such as neighborhoods, communities, or departments. In these situations, defusing an emotionally charged crowd or disseminating timely information may be necessary. The Crisis Management Briefing (CMB) is a structured town meeting style intervention. It puts forth the highest authority figure appropriate and available in conjunction with the CISM team leadership. The authority figure, or designee, presents the facts and status of the event. The audience then has the opportunity to ask questions to the authorities. The CISM team leadership then provides an educational piece about the stress of the situation and the appropriate ways to deal with it, including resources available for assistance. The CISM members are also present if crisis intervention techniques are needed to assist the authorities with defusing the emotionality of individuals or the group.
- Demobilization. Only used after a large-scale incident, lasting no longer than 30 minutes. Emergency personnel meet to rest, have something to eat and meet with CISMT members prior to returning to duty or to home. The purpose is to 'decompress' before moving to the next assignment, provide practical suggestions for stress management and offer an avenue to those suffering critical incident stress effects.

311.2.8 CISMT CALL OUT PROCEDURES

Anytime an employee of the Police Department believes they have sufficient information to suggest CISMT intervention is warranted, they may initiate a response.

- The initiating employee shall cause the CISMT Supervisor or designee to be contacted through their chain-of-command, providing as much information as is available and necessary to make a determination on activation.
- After determining that CISMT intervention is warranted the CISMT Supervisor shall contact, or cause to be contacted, CISMT members or a designated CISM-trained team.
- If the CISMT Supervisor or designee is not available, the division commander attached to CISMT shall be contacted. In the absence of the CISMT Supervisor, designee and Division Commander, a supervisor shall be contacted for an activation determination.
- Individual CISMT members may initiate contact with an employee who is showing signs of crisis or personal internal conflict. Such contact shall be kept confidential per ORS 181.860
- Any outside agency requesting the services of the Tualatin Police Department's CISMT shall contact the Chief of Police, who will then contact the CISMT Supervisor or designee. After consulting with the Chief, the CISMT Supervisor will contact the

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requesting agency and advise what type of response can be provided by the Tualatin Police CISMT.

- The CISMT Supervisor or designee may request outside assistance from a local designated CISM-trained team, should the need arise.

311.3 LINE-OF-DUTY DEATH

It is the policy of the Tualatin Police Department to provide assistance to the immediate survivors of an employee who dies in the line of duty, whether feloniously or accidentally, while an active-member of the department. This assistance will include, but not be limited to, the clarification and comprehensive study of survivor benefits as well as support during this traumatic period of readjustment for the surviving family. The Chief of Police may institute certain parts of this policy for cases of a member's natural death.

Except where language denotes what must be done, this policy will be a guideline and may be enhanced or changed as determined by the incident. The FAMILY of the deceased officer will determine funeral arrangements, with their wishes taking precedence over the Department's.

311.3.1 COORDINATION OF EVENTS

Coordination of events following the line-of-duty death of a Police Officer is an extremely important and complex responsibility. In order to provide the best possible services and support for the Officer's family while exhibiting professionalism and compassion at all times specific tasks may be assigned to selected members of the department. Their titles are:

- Notification Officer
- Hospital Liaison Officer
- Family Liaison Officer
- Department Liaison Officer
- Benefits Coordinator

An explanation of each of these positions is contained in the following sub-sections. An employee may be called upon to perform more than one role.

311.3.2 NOTIFICATION OFFICER

(a) The Department WILL NOT release the name of the deceased officer before the immediate family is notified.

(b) The supervisor, immediately upon hearing of an officer's death or serious injury, will retrieve the officer's emergency notification form from the locked file and will, to the best of his/her ability, follow the officer's wishes contained therein.

(c) It shall be the responsibility of the supervisor to properly notify the next of kin of an officer who has suffered severe injuries or died, or to designate a NOTIFICATION

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OFFICER to inform survivors. Every effort will be made to appoint the notification officer requested by the officer on his/her critical incident/final honors form.

(d) If there is knowledge of a medical problem with an immediate survivor, medical personnel will be available near the residence to coincide with the death notification.

(e) Notification WILL be made in person by two or more persons. The Chief of Police or a representative, close friend, chaplain, or Critical Incident Stress Management Team (CISMT) member may accompany the NOTIFICATION OFFICER. However, if the aforementioned persons are not readily accessible, and the opportunity exists to get the family to the hospital before the demise of the officer, notification should not be delayed until these people can gather. The family should learn of the death from the Department FIRST and not from the press or other sources.

(f) The notification party should not make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the NOTIFICATION OFFICER should relay as much information as possible. The notification party will use the member's name during the notification. NOTE: If the member has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead" rather than "passed away" or "gone".

(g) If the family requests to visit the hospital, they may be transported by police vehicle. It is highly recommended that the family NOT drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car. The NOTIFICATION OFFICER(s) will remain at the hospital while the family is present.

(h) If young children are at home, the NOTIFICATION OFFICER will arrange for babysitting needs. This may involve transportation of children to a relative's home or similar arrangement.

(i) Prior to departing for the hospital, the NOTIFICATION OFFICER will notify the hospital staff and the HOSPITAL LIAISON (by telephone if possible) that a member(s) of the family is en route.

(j) The deceased or severely injured officer's parents will also be afforded the courtesy of a personal notification if possible. If immediate survivors live beyond Tualatin City limits, the NOTIFICATION OFFICER will contact the other jurisdiction by telephone and request personal contact. Arrangements should be made to permit simultaneous telephone contact between the survivors and the Tualatin Police Department.

(k) The Chief of Police or a Division Commander will respond to the residence or the hospital to meet with the family, as quickly as possible, unless otherwise noted on the personal information form.

(l) In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Communications regarding notifications should be restricted to the

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telephone whenever possible. If the media has somehow obtained the officer's name, they should be advised to withhold the information, pending notification of next of kin.

311.3.3 HOSPITAL LIAISON OFFICER

The first official, other than the Chief or his representative, to arrive at the hospital becomes the HOSPITAL LIAISON. The HOSPITAL LIAISON is responsible for coordinating the activities of hospital personnel, the officer's family, police officers, the press and others. These responsibilities include:

- Arrange with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the NOTIFICATION OFFICER, and only those others requested by the immediate survivors.
- Arrange a separate area for fellow police officers and friends to assemble.
- Establish a press staging area. Notify a department public information officer to liaison with media.
- Ensure that medical personnel relay pertinent information regarding an officer's condition to the family on a timely basis and before such information is released to others. They shall also make the family and fellow officers aware of hospital policy about visitation with the injured officer and/or visitation with the body following the demise, and explain why an autopsy is needed.
- Notify the appropriate hospital personnel that all medical bills relating to the on-duty injured or deceased officer be directed to the appropriate governmental agency for payment. The family should NOT receive any of these bills at their residence address.
- The HOSPITAL LIAISON will see that the family is updated on the incident as soon as the family arrives at the hospital.
- A CISMT member may be present the entire time the family is at the hospital, if requested, and should arrange whatever assistance the family may need at the time.
- Arrange transportation for the family back to their residence.

If it is possible for the family to visit the injured officer before death, they should be afforded that opportunity. IT IS THE FAMILY'S RIGHT to visit their loved one. A police or hospital official should "prepare" the family for what they might see in the emergency room and should accompany the family into the room if requested. DO NOT BE OVERLY PROTECTIVE OF THE FAMILY. This includes the sharing of specific information on how the officer met his demise, as well as allowing the family time with the deceased officer. Idle promises will not be made to the family at this time. (I.e., "We'll promote him/her posthumously." "We'll retire his/her badge.")

311.3.4 FAMILY LIAISON OFFICER

The Chief of Police, or a designee, will meet with the officer's family at their home to determine their wishes regarding departmental participation in the preparation of the funeral or services.

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All possible assistance will be rendered. With the approval of the family, the Chief will assign a FAMILY LIAISON Officer.

The selection of a FAMILY LIAISON Officer is a critical assignment. Should the fallen employee have someone listed on their Critical Incident Form as a preference in assisting the family, every attempt will be made to assign that person. If no one is listed, an attempt should be made to assign someone who enjoyed a close relationship with the officer and his family. The liaison officer will be relieved of department related duties immediately and throughout the course of funeral events to be accessible to the family.

This is not a decision-making position. This is a role of "facilitator" between the family and the Police Department.

Responsibilities of the FAMILY LIAISON Officer includes, but are not limited to:

- Ensure that the needs of the family come before the wishes of the department.
- Assist the family with funeral arrangements and make them aware of what the Department can offer if they decide to have a police funeral. If they choose the latter, brief the family on funeral procedure (i.e., 21-gun salute, presenting the flag, playing of taps).
- Apprise the family of information concerning the death and the continuing investigation.
- Provide as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting child care and transportation needs, etc.
- Determine what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out-of-town family travels, food for funeral attendees following the burial, etc.
- Notify Concerns of Police Survivors (C.O.P.S.) at 503-254-6750. Members are available to provide emotional support to surviving families.
- The department will provide a wireless phone to the Liaison Officer.

311.3.5 DEPARTMENT LIAISON OFFICER

The Chief will designate a DEPARTMENT LIAISON OFFICER. This position is normally assigned to a Division Commander, because of the need to effectively coordinate resources throughout the Department. The Department Liaison officer will immediately be relieved of official department duties until the completion of funeral services.

DEPARTMENT LIAISON Officer Responsibilities includes but are not limited to:

(a) Work closely with the FAMILY LIAISON Officer to ensure that the needs of the family are fulfilled.

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(b) Handle the news media throughout the ordeal, or assign a Public Information Officer to brief the media. This officer should be present with the family to "screen" questions should they decide to accept interviews.

(c) Meet with the following persons to coordinate funeral activities and establish an itinerary:

1. Chief of Police and Division Commanders;
2. Funeral Director;
3. Family priest or minister;
4. Cemetery Director;and
5. Honor Guard

(d) Direct the funeral activities of the Department and visiting police departments according to the wishes of the family.

(e) Issue a teletype message to include the following:

1. Name of deceased;
2. Date and time of death;
3. Circumstances surrounding death;
4. Funeral arrangements (state if service will be private or police funeral);
5. Uniform to be worn Expressions of sympathy in lieu of flowers; and
6. Contact person and phone number for visiting departments to indicate their desire to attend and to obtain further information

(f) Obtain an American Flag. If the family wishes a flag presentation by the Chief, notify the Chief's Office. The department will provide an American flag suitable for the ceremony to be given to the family.

(g) If the family desires a burial in uniform, select an officer to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home. The department will provide a uniform and all accouterments.

(h) Assign members for usher duty at the church or service site.

(i) Arrange for the delivery of the officer's personal belongings to the family by the FAMILY LIAISON OFFICER, including the employee's locker.

(j) Brief the Chief and staff concerning all funeral arrangements.

(k) Ensure that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.

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(l) If necessary, arrange for a stand-by doctor to attend the services and be present for the family.

(m) Coordinate traffic management, with other jurisdictions if necessary, during the viewing, funeral and procession. Arrange for a tow truck to be available along the procession route and to have flags along the route lowered to half-staff.

(n) Assign an officer or request an outside agency to post an officer at the family home immediately after the incident, to remain until the funeral in completed.

(o) Maintain a roster of all departments sending personnel to the funeral including:

1. Name and address of responding agency;
2. Name of the Chief of Police;
3. Number of officers responding;
4. Number of officers attending the reception after the funeral;
5. Number of vehicles.

(p) Assist in making the necessary accommodations (food, lodging, etc.)

(q) Acknowledge visiting and assisting departments.

(r) Arrange for routine residence checks by the Patrol Division of the survivor's home for 6-8 weeks following the funeral. This service is necessary since large amounts of money are passing through the residence and the survivors will be spending much time away from home dealing with legal matters.

311.3.6 BENEFITS COORDINATOR

The Chief will designate a BENEFITS COORDINATOR. The BENEFITS COORDINATOR will gather information on all benefits/funeral payments available to the family. The BENEFITS COORDINATOR has the Department's full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are being received. The BENEFITS COORDINATOR is responsible for:

- Filing Worker's Compensation claims and related paperwork.
- Contacting the appropriate city/governmental agencies to ensure that the beneficiary receives death and retirement benefits, the officer's remaining paychecks and payment for remaining annual vacation and compensatory time.
- Gathering information and preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries, contacts at the various benefits offices, and when they can expect to receive payment.
- Notifying police organizations such as HEROES, Inc., the Fraternal Order of Police, C.O.P.S., etc., of the death and to ensure that any and all entitlements are paid to

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the beneficiary(s). These agencies may also offer legal and financial counseling to the family at no cost.

- Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.
- If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.
- Attention should be given to the revocation of health benefits. The majority of health benefit providers allow a 30-day grace period before canceling or imposing monthly payments upon survivors.
- Meeting again with the family at one (1) and six (6) month intervals to make sure that they are receiving benefits.

311.3.7 CONTINUED FAMILY SUPPORT

(a) Survivors should continue to feel part of the "police family". They should be invited to Tualatin Police Department activities to ensure continued contact. Members of the department are encouraged to keep in touch with the family so long as the family expresses a desire to have these contacts continue.

(b) The Chief of Police should observe the officer's death date with a note to the family and/or flowers on the grave.

(c) The FAMILY LIAISON and/or a CISMT member acts as a long-term liaison with the surviving family to guarantee that their needs are met as long as they feel the need for support.

(d) If no court proceedings surround the circumstances of the officer's death, the FAMILY LIAISON will relay all details of the incident to the family at the earliest opportunity.

(e) If criminal violations surround the death, the FAMILY LIAISON will:

- Inform the family of all new developments prior to press release;
- Keep the family apprised of legal and parole proceedings;
- Introduce the family to victim assistance specialists of the court;
- Encourage the family to attend the trial if they desire, and accompany them whenever possible; and
- Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

Plaques/memorabilia given to the spouse will also be given to the parents.

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311.3.8 ASSISTANCE FOR AFFECTED OFFICERS

Officers who were on the scene or who arrived moments after an officer was critically injured or killed will be relieved from duty as quickly as possible and be provided for as outlined in the department's Traumatic Incident policy.

Police witnesses and other officers who may have been emotionally affected by the serious injury or death of another officer, or who were present at the scene, may attend a Critical Incident Stress Debriefing conducted by a Critical Incident Stress Management Team (CISMT). This may be arranged through the department's CISM team and should be conducted with 24-48 hours of the incident

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Firearms

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

312.2 POLICY

The Tualatin Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or their designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm.

312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 17 or 19, chambered in 9mm.

312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870, chambered in 12 gauge.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Springfield Armory Saint, chambered in 5.56/.223, or any other patrol rifle authorized for use by the Rangemaster or his/her designee.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack or in a suitable case in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector in the "safe" position.

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312.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and approved by the Rangemaster and the Chief of Police.

(b) The firearm shall be inspected by the Rangemaster or their designee, prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

312.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and approved by the Rangemaster and the Chief of Police.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

312.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

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(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Tualatin Police Department identification cards under circumstances requiring possession of such identification.

312.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

312.4 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete scheduled in-service training with their duty firearms. In addition to training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms annually. Training curriculum and qualifications must be approved by the Rangemaster.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

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312.4.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional training time may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized training orqualification make-up
2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

312.5 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.5.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal

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control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.5.2 INJURED ANIMALS
With the approval of a supervisor or OIC, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

312.5.3 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

312.6 RANGEMASTER DUTIES

The firearms training program will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the training session and will submit the roster to the Training Coordinator after each session. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

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(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Tualatin Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Tualatin Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the Tualatin Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.8 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) Theofficer shall carry his/her Tualatin Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

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(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

312.9 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

312.9.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

312.9.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

312.9.3 WEAPON MOUNTED LIGHTS

Weapon mounted lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved weapon mounted lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

312.9.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly

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installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

312.10 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under the Rangemaster supervision.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle in a safe direction or into a clearing barrel.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the holding facility or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the holding facility to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Rangemaster for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.10.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Handguns may be safely stored in lockers at the end of the shift. Department-owned rifles and shotguns shall be stored in the appropriate equipment storage room. Handguns may remain

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loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.10.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

312.10.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

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Vehicle Pursuits

314.1 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.

314.1.1 POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is 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 driving in a legal manner but willfully failing to yield to an officer's signal to stop.

314.2 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 generally not required to follow the rules of the road (Oregon Revised Statutes 820.300). This exemption only applies to emergency vehicles using emergency lights, and sirens (Oregon Revised Statutes 820.300 and Oregon Revised Statutes 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 Oregon Revised Statutes 820.300(2).

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314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect 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.

(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) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).

(d) 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.

(e) 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.

(f) 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.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) The emergency equipment present on the vehicles used in the pursuit.

(j) Vehicle speeds.

(k) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

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The factors listed in Policy Manual § 314.21 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 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 pursuing the fleeing vehicle(s) by pulling over the patrol vehicle and deactivating emergency lights and siren.

In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers and the fleeing vehicle(s) 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 definitely known

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged

(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 should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Directed by a supervisor or OIC

(h) When any of the vehicles involved in the pursuit become involved in a crash, the pursuit should be terminated. If the suspect vehicle continues to flee, the pursuit may, at the discretion of the supervisor or OIC, continue.

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. 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.

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

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314.3 PURSUIT UNITS

Pursuit units should be limited to three 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 suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location.

314.3.1 MOTORCYCLE OFFICERS

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.

314.3.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

Absent a reasonable alternative, and then only when human life is in immediate danger, department vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers driving units without an overhead light bar should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Oregon Revised Statutes 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under Oregon Revised Statutes 801.260.

314.3.3 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 officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

(a) Reason for the pursuit

(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

Unless relieved by a supervisor, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit in order to concentrate on pursuit driving.

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314.3.4 SECONDARY UNIT(S) 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.

314.3.5 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 or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

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) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued 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 suspect(s).
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 should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Officers are authorized 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

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in their assigned area and should not become involved, during or at the termination of the pursuit, unless there has been a request for assistance or otherwise directed by a supervisor or OIC.

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.

314.3.7 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 supervisor or OIC, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

The field supervisor or OIC of the officer initiating the pursuit 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) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) 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.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that the proper radio channel is being used.

(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 TuPD units when a pursuit enters another jurisdiction.

(i) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

The shift supervisor or OIC has the final responsibility for the coordination, control, and termination of a motor vehicle pursuit and shall be in overall command.

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314.5 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, switch radio communications to a county-wide emergency channel.

314.5.1 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, 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.

314.6 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, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

314.6.1 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, 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 should be specific.

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor or OIC 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.

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(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

As soon as practical, a supervisor or OIC should review a request for assistance from another agency. The supervisor or OIC, after consideration of the above factors, may decline to assist in, terminate, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace 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.

314.7 PURSUIT INTERVENTION

Pursuit intervention tactics are defined as an attempt to terminate the ability of the suspect to continue to flee in a motor vehicle through the application of tactics and technology i.e., spike strips, PIT (Pursuit Intervention Technique), road blocks, and ramming. 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.

314.7.1 WHEN USE AUTHORIZED

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. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

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

314.7.2 DEFINITIONS

Ramming - The deliberate act of impacting a violator's vehicle with a patrol vehicle with sufficient force as to render the violator's vehicle functionally incapacitated and subsequent stop of the vehicle.

Roadblocks - Generally consist of a vehicle or vehicles or a hastily erected barricade at an appropriate location upon a highway, visible to approaching traffic and the suspect.

Pursuit Intervention Technique (PIT) - is an intentional contact between a police vehicle and a pursued vehicle in such a manner as to cause a potential 180-degree spin and subsequent stop of the vehicle.

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Spike Strips - A device extended across the roadway, designed to puncture the violator's vehicle tires, causing a controlled deflation and subsequent stop of the vehicle.

314.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. 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 to stop a suspect from using a vehicle as a deadly weapon.

314.7.4 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. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a 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 by officers who have received training in such tactics 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 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) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure. When practicable, an announcement over the radio of the intention to use PIT should be made prior to use. The decision to use PIT

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should be based 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 fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) 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.

(e) Only those officers trained in the use of the spike strips will be authorized to use them. The use of spike strips should be 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. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public. Any roadblock implemented should include reasonable line-of-sight distance permitting the suspect to recognize, react to and stop before striking the roadblock.

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314.7.5 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.

314.8 REPORTING REQUIREMENTS

The following reports should be completed to comply with appropriate local and state regulations:

(a) The primary officer shall complete appropriate crime/arrest reports, pursuit reports, and use of force reports as needed.

(b) All other officers involved in the pursuit shall complete a special report documenting their actions and involvement with the pursuit.

(c) The supervisor shall review all pertinent reports for content and forward to the division commander.

314.8.1 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 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.

314.8.2 POLICY REVIEW

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

314.8.3 ANNUAL REVIEW

An annual review of all pursuit incidents will be conducted in order to identify any training needs, policy compliance issues or personnel issues.

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Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

316.2 RESPONSE TO CALLS

Officers responding "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding "Code-3" shall operate emergency lights and siren as is reasonably necessary pursuant to Oregon Revised Statutes 820.300 and Oregon Revised Statutes 820.320. Officers shall only use the "wail" and "yelp" function of the siren as an emergency sound. The "Hi-Lo" function of the siren is not considered an emergency sound pursuant to Oregon Administrative Rules 735-110-000(8) and 735-110-0010(1-3).

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons.

Oregon Revised Statutes 820.320(2) allows Officers to omit the use of emergency lights and siren if it reasonably appears that the use of either or both would prevent or hamper the apprehension or detection of a violator. Except as stated in the previous sentence, Officers who fail to use appropriate warning equipment, are not exempt from following the rules of the road (Oregon Revised Statutes 820.300).

316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

316.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections as may be necessary for safe operation.

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The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon determining a Code-3 response is appropriate, an officer should immediately give the location from which he/she is responding.

316.5 SUPERVISORY RESPONSIBILITIES

Upon learning that a Code-3 response has been initiated, the Shift Supervisor or the OIC should consider the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

The Sergeant or OIC should monitor responses. It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment, is inappropriate due to the circumstances.

316.6 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Sergeant/OIC and Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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Domestic Violence

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

319.2 POLICY

The Tualatin Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

319.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

319.3.1 MANDATORY ARRESTS

Police officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in Oregon Revised Statutes 107.705, or to believe that one such person has placed the other in fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant. In responding to domestic violence incidents, officers are not required to arrest both parties (Oregon Revised Statutes 133.055).

Police officers shall make reasonable efforts to identify who is the assailant or potential assailant in any incident. In identifying the assailant or potential assailant, an officer shall consider:

(a) The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.

(b) If reasonably ascertainable, the history of domestic violence between the persons involved.

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(c) Whether any alleged crime was committed in self-defense; and

(d) The potential for future assaults.

319.3.2 RELEASE

Once a suspect has been arrested under the provisions of Oregon Revised Statutes 133.055 the suspect shall be taken to jail. Officers have no authority to subsequently release the arrested person and any post incarceration release decision will be the responsibility of corrections personnel.

319.3.3 PRIVATE PERSON'S ARREST

A private person cannot make an arrest of a person for violating the terms of restraining or protective orders: Pursuant to Oregon Revised Statutes 133.225, a private person may arrest another person for any other crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime.

319.3.4 STAND-BY ASSISTANCE

As a condition of a restraining order to prevent abuse, the party being restrained may be required to move from the petitioner's residence, if in the sole name of the petitioner or if it is jointly owned or rented by the petitioner and the restrained party, or if the parties are married to each other. A party may also be restrained from going within a set distance of that residence, unless accompanied by a peace officer.

(a) A peace officer who accompanies a party removing essential personal effects pursuant to a restraining order shall remain for up to 20 minutes and may temporarily interrupt the removal of property at any time. Restrained parties wishing to remove essential items from a residence only have the right to be accompanied by a peace officer one time.

(b) When tenancy issues arise, a peace officer's duty to arrest remains unaffected.

319.3.5 INCIDENTS INVOLVING LAW ENFORCEMENT EMPLOYEES

Upon arrival at the scene of a domestic violence incident involving any law enforcement officer or other department employee as the suspect or victim, the handling officer shall immediately notify Dispatch and request a supervisor be sent to the scene, regardless of the involved employee's jurisdiction. The investigation shall be conducted as any other domestic violence incident as detailed by department policy. If there is a question about whether an incident falls under this policy, contact a supervisor.

319.3.6 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an employee of this or any other law enforcement agency is identified as a suspect or victim, regardless of the involved individual's agency jurisdiction.

(a) The supervisor will ensure that a thorough investigation is conducted and the reports are forwarded to the District Attorney's Office.

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(b) When an employee of the Tualatin Police Department is a suspect in domestic violence, and this department is investigating, the on-scene supervisor will affirmatively give the victim an option to request investigation by an outside agency.

(c) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought.

319.3.7 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a sworn employee of the Tualatin Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).

(b) If an armed law enforcement officer from another agency or jurisdiction is arrested, that individual's department will be immediately contacted by the supervisor and authorization to seize that individual's duty weapon(s) will be requested.

(c) The investigating officer or supervisor will also request permission to take any other firearms on scene for safekeeping.

(d) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.

(e) The transporting officer shall ensure that corrections personnel are notified of the person's employee status, to ensure the safety of the employee while he/she is in custody.

319.3.8 ADDITIONAL CONSIDERATIONS

When responding to a domestic violence complaint involving an employee from another law enforcement agency, all responding officers, investigators and supervisors shall, as closely as possible, follow the same procedures established herein. The responding supervisor shall notify the Chief of Police, or designee, of the accused officer's jurisdiction verbally as soon as possible and in writing within 24 hours. In the event the reported incident involves a Sheriff, Chief of Police, Commissioner, or other law enforcement department head, the supervisor shall immediately notify the individual in government who has direct oversight of the individual.

319.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

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(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the police department in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.

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11. The social status, community status, or professional position of the victim or suspect.

319.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

319.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

319.4.3 PROOF OF SERVICE NOT VERIFIED

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

(a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody.

(b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.

(c) Obtain the suspect's address.

(d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made. If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement.

(e) The officer serving the order on the suspect must obtain a Proof of Service form from the Sheriff's Office, complete, sign and submit it to the issuing court.

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319.4.4 WHEN ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the officer can not verify the validity of the order the following action shall be taken:

(a) Write a report and provide the report number to the victim.

(b) Inform the victim of how to contact the appropriate agency for further action.

(c) Inform the victim of the right to make a private person's arrest for an appropriate criminal offense other than for violating the restraining order.

In domestic violence cases where the suspect has left the scene an investigation should be conducted to determine if a crime has been committed. A written report should be completed and the victim informed of the case number and the follow-up criminal procedure.

319.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.

(b) Provide the victim with the department’s domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer who has probable cause to believe there are circumstances for a mandatory arrest or that a victim is in immediate danger of abuse may apply for an emergency protective order with the consent or permission of the victim (ORS 133.035).

319.5.1 RECORDING INJURIES AND STATEMENTS

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired. When permitted by law, officers may make a video recording of the injuries and victim statements. A second set of photographs should be taken approximately 24hours after the initial incident.

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Victims whose injuries are not visible at the time of the incident should be contacted by the investigating officer or another Department member in order to photograph any developing injuries as a result of the incident. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

319.6 DISPATCH ASSISTANCE

All dispatch services are provided through Washington County Consilidated Communications Agency (WCCCA). We do not have policies that apply to dispatch.

319.6.1 WRITTEN NOTICE TO VICTIMS

Officers must provide each person who has been a victim of domestic violence with a copy of the department Domestic Violence Information Card containing information relating to shelters or other services available in the community and notice of the legal rights and remedies available to victims (Oregon Revised Statutes 133.055).

Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence pamphlet provided to the victim. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

319.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

319.7.1 ENTRY OF FOREIGN COURT ORDERS INTO DATA SYSTEMS

When an individual presents a copy of a foreign restraining order for entry into LEDS, the Sheriff shall enter the order into LEDS and NCIC after promptly verifying (ORS 24.190):

(a) The validity of the order.

(b) The order can be enforced pursuant to ORS 24.190.

(c) The individual restrained has been served a copy of the order or has notice of the order.

319.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

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(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

319.8.1 RETURN OF FIREARMS

Weapons taken into custody for safekeeping under will be returned to the lawful owner upon request unless the seizing officer or the assigned detective has placed a hold on the weapons pending a petition for retention. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, Property personnel shall be required to ensure the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon(s) shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon(s).

319.8.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS

An officer who obtains an emergency protective order for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).

The officer who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

319.9 DISPATCHER'S RESPONSIBILITIES

All dispatch services are provided through Washington County Consilidated Communications Agency (WCCCA). We do not have policies that apply to dispatch.

319.9.1 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request.

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Search and Seizure

321.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Tualatin Police Department personnel to consider when dealing with search and seizure issues.

321.2 POLICY

It is the policy of the Tualatin Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

321.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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321.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

321.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

323.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Tualatin Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes a juvenile taken into protective custody pursuant to a court order or without an order when there is reasonable cause to believe that (ORS 419B.150; ORS 419B.152):

(a) An imminent threat of severe harm to the child exists.

(b) The child poses an imminent threat of severe harm to self or others.

(c) An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists.

(d) The child has run away from home.

This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

323.2 POLICY

The Tualatin Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Tualatin Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

323.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Tualatin Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Tualatin Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Tualatin Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Tualatin Police Department without authorization of the arresting officer's supervisor or the Patrol Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond five hours from the time of his/her entry into the Tualatin Police Department (ORS 419B.160; ORS 419C.130).

323.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Tualatin Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (ORS 419B.165; ORS 419B.168; ORS 419B.152). Juvenile non-offenders may not be held in secure custody (34 USC § 11133; ORS 419B.160).

Prior to releasing a non-offender to the noncustodial parent, officers shall run a criminal records check on the noncustodial parent and any adults in the same home as the noncustodial parent (ORS 419B.165).

323.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

323.4.3 CUSTODY OF JUVENILE OFFENDERS

Generally, a juvenile offender may be taken into custody:

(a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).

(b) When there is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080).

(c) When, if the juvenile were an adult, he/she could be arrested without a warrant (ORS 419C.080).

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An officer shall take a juvenile into custody when the officer has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

Generally, an officer may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).

Juvenile offenders should be held in non-secure custody while at the Tualatin Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

323.4.4 COURT NOTIFICATIONS OF JUVENILE OFFENDERS

Whenever a juvenile offender is taken into custody, the officer shall promptly notify the juvenile court or counselor that the juvenile was taken into custody (ORS 419C.091). The officer shall also prepare a written report to be routed to the juvenile court and the District Attorney that includes, at a minimum (ORS 419C.106):

(a) The juvenile’s name, age and address.

(b) The name and address of the person having legal or physical custody of the juvenile.

(c) Reasons for, and circumstances under which, the juvenile was taken into custody and, if known, the name and contact information of any victim.

(d) Efforts taken to notify and release the juvenile to his/her parent, guardian or other person having legal responsibility.

(e) The date, time, location and to whom the juvenile was released.

(f) If the juvenile was not released, the reasons why.

(g) If the juvenile is not released or taken to court, the shelter or place of detention of the juvenile and why the type of placement was chosen.

323.4.5 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

(a) The court has issued a warrant of arrest for the juvenile.

(b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

(c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

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If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the officer shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

323.5 NOTIFICATION TO PARENT OR GUARDIAN

As soon as practicable after a juvenile is taken into custody, the officer taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

(a) Reason the juvenile was taken into custody

(b) Location where the juvenile is being temporarily detained

(c) Intended disposition

(d) Time and place of any hearing

323.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Tualatin Police Department.

(c) Patrol Sergeant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

323.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Tualatin Police Department

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shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

323.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Tualatin Police Department shall ensure the following:

(a) The Patrol Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Tualatin Police Department more than four hours. This will enable the Patrol Sergeant to ensure no juvenile is held at the Tualatin Police Department more than five hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

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(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

323.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Tualatin Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

323.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Tualatin Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Tualatin Police Department.

323.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Patrol Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile’s safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

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323.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.

(b) Juveniles shall have constant auditory access to department members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by staff member shall occur no less than every 15 minutes.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

323.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Sergeant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Tualatin Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Detective Unit supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

323.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation. (See the Investigation and Prosecution Policy.)

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323.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

Other juveniles taken into custody may only be fingerprinted or photographed (ORS 419A.250(1)):

(a) Pursuant to a search warrant.

(b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.

(c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.

(d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

323.15 RECORDS

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in the Records Maintenance and Release Policy.

323.16 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Tualatin Police Department members as required by law.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

325.2 POLICY

The Tualatin Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

325.3 MANDATORY NOTIFICATION

Members of the Tualatin Police Department shall notify the Department of Human Services (DHS) when a member has reasonable cause to believe that any of the following persons have suffered abuse:

(a) An elderly adult, age 65 years or older (ORS 124.060)

(b) An adult with mental illness or developmental disabilities (ORS 430.765)

(c) A resident of a long-term care facility (ORS 441.640)

(d) An adult (18 years or older) who is receiving services for a substance use disorder or a mental illness in a state hospital or facility (as defined by ORS 430.735) (ORS 430.765).

Members shall also notify DHS when the member comes in contact with a person who they reasonably believe is abusing any of the above individuals.

For purposes of notification, abuse includes physical injury, neglect, abandonment, verbal abuse, financial exploitation, sexual abuse, sexual offenses, involuntary seclusion, and wrongful use of physical or chemical restraints as provided in ORS 124.050, ORS 430.735, and ORS 441.630.

An adult with mental illness or developmental disabilities means an adult, 18 years or older, with (ORS 430.735):

(a) A developmental disability who is currently receiving services from a community mental health or developmental disabilities program or facility, as defined by ORS 430.735, or who was previously determined eligible for services as an adult.

(b) A severe and persistent mental illness who is receiving mental health treatment from any such community program or facility.

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325.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (ORS 124.065; ORS 430.743; ORS 441.645):

(a) All notifications to DHS shall be made as soon as practicable by telephone.

(b) Information provided to DHS shall include, if known:

1. Name, age and address of the person abused
2. Present location of the adult
3. Name and address of the person responsible for the adult
4. Identity of the perpetrator
5. Nature and extent of the abuse and any evidence of previous abuse
6. Any explanation given for the abuse
7. Date of the incident
8. Any other information that may be helpful in establishing the cause of the abuse

(c) In cases where DHS has notified the Department of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.

(d) DHS shall also be notified whether (ORS 124.070(3); ORS 430.745(7)):

1. There will be no criminal investigation and the explanation of why there will be no such investigation.
2. The investigative findings have been forwarded to the District Attorney for review.
3. A criminal investigation will take place.

(e) In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).

(f) Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

325.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c)

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

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(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 430.739).

325.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The Department must begin investigations of abuse in a long-term care facility (ORS 441.650):

- Within two hours where a resident's health or safety is in imminent danger or the resident recently died, was hospitalized or was treated in an emergency room.
- Prior to the end of the next working day if circumstances exist that could result in abuse and place the resident's health or safety in imminent danger.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All investigations into suspected cases of adult abuse shall include a personal visit to the elderly person suspected of being abused (ORS 124.070).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

325.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible

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adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

325.6.1 DHS ASSISTANCE

An officer shall cooperate with DHS when assistance is requested by written notice to gain access to an abused person and the officer believes that there is reasonable cause that a crime has been committed and an emergency exists that requires access to the person to ensure his/her safety (ORS 124.065; ORS 430.743; OAR 411-020-0085).

325.7 INTERVIEWS

325.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

325.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

325.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

325.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

325.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

325.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Unit supervisor so an interagency response can begin.

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325.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

325.10.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

(a) Providing a copy of the adult abuse report to DHS as required by law.

(b) Retaining the original adult abuse report with the initial case file.

325.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 124.090; ORS 430.763; ORS 441.671).

325.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

327.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

This policy also applies to department elected officials (ORS 243.319).

327.2 POLICY

The Tualatin Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

327.3 DEFINITIONS

Definitions related to this policy include:

327.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law (ORS 659A.030; ORS 659A.082; ORS 659A.112).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to the department policy and to a work environment that is free of discrimination.

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327.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

327.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

327.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

327.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resource Director, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

327.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

1. Unless a member objects in writing, a supervisor designated by the Chief of Police shall follow up with a member once every three months for a year following the date on which the member reported the incident to determine whether the alleged harassment has stopped or if the member has experienced retaliation (ORS 243.321).

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Human Resource Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

327.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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327.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resource Director, or the City Manager for further information, direction, or clarification.

327.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

327.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

327.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resource Director, or the City Manager.

327.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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327.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager, or the Human Resource Director, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

327.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

327.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

327.8 ADDITIONAL REQUIREMENTS

The Human Resource Director should consult with the City Department of Human Resources Human Resource Director to ensure that all required notifications regarding unlawful employment discrimination are available to former, current, and prospective employees, as appropriate (ORS 243.319; ORS 243.323).

When any member complains about discriminatory harassment, the person receiving the complaint should provide a copy of this policy to the member (ORS 243.319).

A member may file a complaint with the Bureau of Labor and Industries and also may have other legal remedies under Oregon law (ORS 243.319).

(a) Administrative complaints regarding federal discrimination claims must be filed within 300 days of the alleged unlawful employment practice (42 USC §2000e-5(e)(1)).

(b) Administrative complaints regarding state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.820(3)).

(c) A civil lawsuit alleging state discrimination claims must be filed within five years of the alleged unlawful employment practice (ORS 659A.875).

(d) A civil lawsuit alleging federal discrimination claims must be filed within 90 days of the receipt of a right to sue letter from the Bureau of Labor and Industries and/or the EEOC (42 USC §2000e-16(c)).

(e) The statute of limitations periods for crimes related to sexual harassment vary from two to 12 years.

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(f) Claims made against the Tualatin Police Department require advance notice pursuant to ORS 30.275 (ORS 243.319).

A member may file a complaint with the Department within four years from the date of the alleged incident or within the time limitation specified in ORS 659A.875, whichever is greater (ORS 243.321).

A member who believes the member has been subjected to workplace harassment may access available community services and any support services provided by the Department, such as the employee assistance program (ORS 243.319).

No member will be required or coerced into a nondisclosure (confidentiality) or nondisparagement (an agreement not to say anything negative about the Tualatin Police Department or its members in any form of communication) agreement. A member may voluntarily enter into an agreement that contains a nondisclosure or nondisparagement provision and has a minimum of seven days to revoke said agreement (ORS 243.323).

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Child Abuse

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Tualatin Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

329.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORS 419B.010).

329.2 POLICY

The Tualatin Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

329.3 MANDATORY NOTIFICATION

Members of the Tualatin Police Department shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse (ORS 419B.010).

For purposes of notification, a child is an unmarried person under 18 years of age (ORS 419B.005(2)).

For purposes of notification, abuse of a child includes but is not limited to assault or physical injury of a non-accidental nature; rape, sexual abuse, or sexual exploitation, including contributing to the sexual delinquency of a minor; threatened harm; negligent treatment or maltreatment; buying or selling a child; unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid extract; permitting a child to enter or remain in or upon premises where methamphetamines are manufactured; or any other act described in ORS 419B.005(1)(a).

329.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (OAR 413-015-0305):

(a) Verbal notification to DHS shall be made immediately to the Oregon Child Abuse Hotline when the officer determines that the report of alleged abuse or neglect requires an immediate joint response.

(b) Verbal, electronic transmission, or hand-delivered notification to DHS of all other reports of child abuse or neglect shall be made by the end of the next business day.

(c) Notification, when possible, should include:

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1. The name and contact information of the confidential reporter.
2. The name, address, and age of the child.
3. The name and address of the child's parents or other person who is responsible for care of the child.
4. The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
5. The explanation given for the abuse or neglect.
6. Where the abuse or neglect occurred.
7. Identity and whereabouts of the alleged perpetrator.
8. Any other information that the person making the report believes might be helpful in establishing the cause of the abuse or neglect and the identity and whereabouts of the perpetrator.
9. The name and contact information for the assigned DHS worker and officer.

When the abuse occurs at a facility or by a person from a facility that requires a state license from the Oregon Employment Department, Child Care Division (e.g., child care facility), notification shall also be made to that agency. If the alleged child abuse occurred in a school or was related to a school-sponsored activity, notification shall be made to the Department of Education (ORS 419B.020).

329.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (ORS 418.747).

329.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, an officer shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

329.5.1 KARLY'S LAW

In all cases of suspicious physical injury to a child, the investigating officer shall, in accordance with any relevant county multidisciplinary team protocols (ORS 419B.023):

(a) Immediately photograph or cause to be photographed any visible injuries or any injuries identified by the child if practicable, and in the manner described in ORS 419B.028.

(b) Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).

(c) Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician.

329.5.2 INVESTIGATIONS ON SCHOOL PREMISES

When an investigation of child abuse is conducted on school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator

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is a subject of the investigation. The investigator shall present identification to school staff members. The investigator is not required to reveal information about the investigation to the school as a condition of conducting the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the affected child, the investigating officer shall be advised of the child's disabling conditions, if any. These provisions apply to an investigation that involves an interview with the suspected victim of abuse or witnesses and not to investigations or interviews of a person suspected of having committed the abuse (ORS 419B.045).

329.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ORS 419B.150):

(a) When there is reasonable cause to believe any of the following:

1. An imminent threat of severe harm to the child exists
2. The child poses an imminent threat of severe harm to self or others
3. An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists

(b) When the juvenile court has issued a valid order that the child is to be taken into protective custody

(c) When it reasonably appears that the child has run away from home

329.6.1 NOTICE TO PARENTS

When an officer takes a child into protective custody, if possible, the officer shall:

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(a) Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day.

(b) Advise the reason the child has been taken into custody.

(c) Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS 419B.020).

329.6.2 SAFE HAVEN PROVISION

A parent may leave an infant who is not more than 30 days old at an authorized facility, including this department, as long as the child has no evidence of abuse (ORS 418.017).

When an infant is surrendered to this department, members of the Tualatin Police Department shall follow the provisions set forth in ORS 418.017.

329.7 INTERVIEWS

329.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

329.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not involuntarily detain a child who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.

2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

329.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

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In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

329.8.1 COURT ORDERS FOR PRESERVATION OF EVIDENCE

When an officer is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child (ORS 419B.020).

329.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

329.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

329.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Unit supervisor so an interagency response can begin.

329.10 STATE MANDATES AND OTHER RELEVANT LAWS

Oregon requires or permits the following:

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329.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORS 419B.035).

Information may be shared to the appropriate military authorities regarding a child who is the subject of a report of child abuse when the parent or guardian of the child is in the military (ORS 419B.015).

329.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL
The Detective Unit supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members (ORS 418.747). See attachment: 2020 Child Abuse MDT Protocol.pdf

329.10.3 CHILD FATALITY REVIEW TEAMS
This department should cooperate with any child fatality review team and investigation (ORS 418.785).

329.10.4 DISPOSITION OF INVESTIGATION
Each investigation of child abuse shall be concluded in one of the following ways (ORS 419B.026):

- Founded
- Unfounded
- Undetermined

The case clearance shall be consistent with other case clearance dispositions used in the current records database.

329.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

(g) Recognizing abuse that requires mandatory notification to another agency.

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Missing Persons

331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

331.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
9. Intellectual or developmental disability, or an impaired mental condition such as dementia or brain injury (ORS 181A.320).
10. A victim of first- or second-degree custodial interference or kidnapping (ORS 181A.310).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Oregon Law Enforcement Data System (LEDS) and the Oregon State Police Missing Children Clearinghouse.

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331.2 POLICY

There is no waiting period. All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports. Reports shall be taken on missing persons regardless of jurisdiction.

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway (ORS 146.177).

331.2.1 INITIAL INVESTIGATION

The employee accepting the missing person report should request from the reporting party information or material likely to be useful in identifying the missing person including but not limited to:

(a) The relationship to the reporting party and why the reporting party believes the person is missing.

(b) Information on the missing person including alternate names the person uses, the person's date of birth, physical appearance, clothing, identifying marks, physical anomalies, surgical implants and any prosthesis used by the missing person.

(c) The blood type of the missing person.

(d) The driver license number and Social Security number of the missing person.

(e) A description of items believed to be in the possession of the missing person and the description of any vehicle the missing person may have been driving or riding in at the time of disappearance.

(f) Time and place of last known location and the identity of anyone believed to be in the company of the missing person.

(g) History of prior missing incidents and the extent to which this incident is a departure from established behavior patterns, habits, or plans.

(h) The physical and mental condition of the missing person and whether they are taking, and currently have with them, any medications.

(i) The name and address of the missing person's doctor and dentist.

(j) Any personal, family history or relationship issues that may be a factor in the person's absence, including the names and addresses of any people the missing person might visit.

(k) Any circumstances that indicate that the missing person may be at risk of injury or death.

(l) Any circumstances that may indicate that the disappearance is not voluntary.

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(m) Obtain recent photographs, a completed Statement of Facts form, dental record consent, and fingerprints and/or DNA samples (such as hair) that might be available.

(n) Attempt to identify the types and account numbers of any credit cards the missing person might have access to, and the location of any bank accounts or other financial resources.

(o) The name and addresses of the place of employment, schools and other places frequented by the missing person.

(p) If possible, obtain consent from an authorized person to inspect the location where the missing person resides and/or was last seen. Care should be taken to note any property of the missing person that is significant either by its unexpected presence, or unexpected absence. Note also any obviously new furnishings, rugs, carpeting, bedding, freshly painted areas, or remodeling.

(q) Complete a missing person report and ensure the person is entered into LEDS and NCIC as soon as possible in accordance with established procedures. Ensure that the report is routed to detectives.

(r) If the missing person meets the criteria for Amber Alert (i.e. possible abduction with suspect information) refer to that policy and activate the system, in addition to following the procedures for an "at risk" missing person below.

(s) Whether information regarding the missing person has been entered into the Law Enforcement Data System (LEDS) Medical Database (ORS 181.735).

331.2.2 CHILD UNDER THIRTEEN OR "AT RISK"

In cases where this agency has jurisdiction for the missing person investigation and the missing person is a person at risk, or a child less than twelve years of age, the following steps will be taken:

(a) A supervisor will be notified.

(b) Detectives will be notified immediately, including after hours, and will begin an investigation after an initial search by patrol personnel.

(c) The name, physical description, clothing and any suspected vehicle that may be involved shall be broadcast to other officers on duty. The locate information may also be disseminated to other agencies as appropriate.

(d) A preliminary search for the missing person should be initiated based on the circumstances present. If the missing person is a child, obtain consent and conduct a complete search of the residence, curtilage, outbuildings, vehicles and other likely places of concealment.

If such a case is within the investigative responsibility of another jurisdiction and is reported to this agency, the employee receiving the report shall ensure that the appropriate law enforcement

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agency is immediately notified and shall coordinate with that agency as is reasonably necessary to promptly transfer the case.

331.2.3 CONTINUING INVESTIGATION

If the Tualatin Police Department has jurisdiction for the missing person investigation, it will be assigned for follow up. On-going investigations of missing persons should include, but not be limited to, the following actions:

(a) Obtain releases for dental and medical records, and subpoenas for credit card transactions, bank records or other financial records as necessary. Copies of dental records and skeletal x-rays, if available, should be obtained and filed.

(b) Check hospitals and the State Medical Examiners Office for information on deceased persons matching the description of the missing person.

(c) Consider the need for more extensive area searches and obtain sufficient resources to assist in that effort.

(d) Conduct interviews with friends, relatives, co-workers and persons in the vicinity of the location where the missing person was last seen.

(e) If the missing person is a child, comply with the reporting guidelines for the National Center for Missing and Exploited Children.

(f) Maintain regular contact with the relatives of the missing person and/or reporting party. Request immediate notification if they should have any contact with the missing person.

(g) Consider the need for additional locate notices to be sent to other jurisdictions

(h) Consider using the local media to locate the missing person with approval of the Chief of Police or his designee, and consultation with the family.

(i) When a person reported missing to this department has not been located within 30 days after the missing person report is made, the assigned investigator shall attempt to obtain a DNA sample of the missing person or from family members of the missing person, and prepare a Family Reference Sample Collection Kit necessary for use of the samples in conducting searches of DNA databases. The Family Reference Sample Collection Kit and the DNA sample will then be forwarded to the University of North Texas (UNT) for DNA analysis.

331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Unit Supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation

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- Missing person school notification form
- Medical records release form
- Biological sample collection kits

331.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS
When the Tualatin Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Unit shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

331.3.2 STATE AND FEDERAL NOTIFICATION
If the missing person is under the age of 21, Records Division personnel shall enter the missing person into the LEDS and NCIC Missing Person Files within two hours after accepting the report (42 United States Code 5779(a) and 42 USC 5780(3)).

331.4 ACCEPTANCE OF REPORTS
Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

331.5 INITIAL INVESTIGATION
Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately, when the missing person is at risk.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

331.6 REPORT PROCEDURES AND ROUTING

If the missing person is not located during the initial investigation, investigators should ensure that photographs, dental records, fingerprints, DNA samples and x-rays are collected and retained for future comparison to assist in the identification process. Investigators should also inform the parents or the appropriate relatives that they may give a voluntary sample for DNA testing.

If the missing person has not been located within 30 days the investigator shall ensure that a DNA sample, if available, is obtained and a Family Reference Sample Collection Kit completed and both forwarded as directed to the University of North Texas (UNT) (Oregon Revised Statutes 146.187).

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AMBER Alerts

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

333.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

333.3 RESPONSIBILITIES

333.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Tualatin Police Department should notify their supervisor, Patrol Sergeant or Detective Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

333.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Cancelling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

333.4 AMBER ALERTS

The Oregon AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted under emergency circumstances and the child may be in danger of serious bodily harm or death.

333.4.1 CRITERIA

All of the following criteria must exist before an AMBER Alert will be issued:

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(a) There is confirmation that a child abduction has occurred.

(b) The child is under 18 years of age.

(c) The child may be in danger of serious bodily harm or death.

(d) There is sufficient descriptive information about the child, abductor and/or the suspect's vehicle to believe that an immediate broadcast alert will help.

(e) The child's name and other critical data elements, including the child abduction (CA) and AMBER Alert (AA) flags, either have been or will be entered into the National Crime Information Center (NCIC) system.

An AMBER Alert should not be used if the child is a runaway or has been abducted as a result of a child custody situation, unless the child may be in danger of serious bodily harm or death.

333.4.2 PROCEDURE

The AMBER Alert Web Portal is used to post the appropriate alert information.

Prior to posting the AMBER Alert message, consideration should be given to ensuring adequate staffing for the tip line, 9-1-1 lines and any media line. AMBER Alerts generate significant public and media interest. It is likely that a high volume of calls from the public and media will be received. Reassigning personnel from other units or requesting mutual aid from other agencies should be considered.

(a) The Public Information Officer, Patrol Sergeant or Investigation Supervisor should consider whether to prepare a press release that includes all available information that might aid in locating the child, such as:

1. The child's identity, age, physical and clothing description, including any distinguishing characteristics.

2. Photograph, if available.

3. The location where the abduction occurred or where the child was last seen.

4. The suspect's identity, age, physical and clothing description, if known.

5. Pertinent vehicle license number and description, if known.

6. Detail regarding direction of travel and potential destinations, if known.

7. Contact information for the Public Information Officer or other authorized individual to handle media liaison.

8. A telephone number for the public to call with leads or information.

(b) Information on the abducted child, suspect vehicle and suspect should be entered into the Law Enforcement Data System (LEDS) and NCIC as soon as feasible. The suspect's name, if known, should be entered in the "AKA" moniker field. The child's name and other critical data elements, including the child abduction (CA) and AMBER

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Alert (AA) flags, must be entered into the NCIC system in order to trigger the resources of the National Center for Missing and Exploited Children (NCMEC) and the FBI.

(c) The Records Unit will send a statewide Administrative Message (AM) via LEDS with the information. The text of the message will begin with the words, "Oregon AMBER Alert."

(d) The information in the press release should also be forwarded to the dispatch center so that general broadcasts can be made to local law enforcement agencies.

(e) Consideration should be given to whether to utilize the following resources:

1. Federal Bureau of Investigation (FBI Local Office)
2. National Center for Missing and Exploited Children 800-843-5678

The FBI and NCMEC will have received notification of the AMBER Alert via the NCIC computer entries. If needed, the Oregon State Police Missing Children Clearinghouse is available to assist agencies with any additional notifications or to serve as the liaison with NCMEC.

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Victim and Witness Assistance

335.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

335.2 POLICY

The Tualatin Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Tualatin Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

335.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Tualatin Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

335.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Providing oral or written notice to crime victims of the Oregon Crime Victim Bill of Rights. This may be accomplished by providing the information in victim handouts or providing the notice electronically (ORS 147.417).

(b) Sexual assault investigations (ORS 181A.325):

1. Receiving and responding to all inquiries concerning sexual assault kits.
2. Providing any information the victim requests concerning sexual assault kits in a manner of communication designated by the victim, as soon as possible and within 30 days of the inquiry unless doing so would interfere with the investigation. This information includes the location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in state or federal databases, and the estimated destruction date for the kit.
3. Acting as liaison with the Oregon State Police (OSP) regarding submitted kits.
4. Allowing a sexual assault victim to provide written authorization for a designee to access information on the victim’s behalf.
5. Upon request, provide victim with assistance in the creation of a sexual assault report associated with the sexual assault kit.

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335.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

335.4.1 VICTIM PERSONAL REPRESENTATIVE

Victims of a person crime, as defined in ORS 147.425, have the right to select a person, 18 years of age or older, to be the victim's personal representative to accompany the victim during phases of an investigation, including medical examinations. The personal representative may only be excluded if there is a belief that the representative would compromise the process (ORS 147.425).

335.5 VICTIM INFORMATION

The Support Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U visa and T visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number, and any applicable case or incident number.

(j) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.

(k) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims and Survivor Services Division for victims of domestic violence, sexual offenses, stalking, or human trafficking (ORS 192.826).

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(l) Oregon Crime Victim Bill of Rights (ORS 147.417).

(m) Information for victims of sexual assault that includes but is not limited to (ORS 181A.325).

1. Contact information for the crime victim liaison for victims of sexual assault.
2. Notice that victims may request and receive information concerning sexual assault kits if providing the information would not interfere with the investigation.

(n) The hate crimes telephone hotline for assisting the victims of bias crimes and bias incidents (ORS 147.380).

335.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

337.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A bias crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim (ORS 166.155; ORS 166.165).

337.2 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

337.3 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness, or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

(f) The assigned officers should interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

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(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

337.3.1 DETECTIVE UNIT RESPONSIBILITIES

If a hate crime case is assigned to the Detective Unit, the assigned investigator will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

337.4 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

337.5 POLICY

The Tualatin Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

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Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Tualatin Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

339.2 POLICY

The continued employment or appointment of every member of the Tualatin Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

339.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

339.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

339.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. This policy is not intended to cover every possible type of misconduct.

339.4.1 DUTY TO INTERVENE AND REPORT
An officer who observes another officer engaging in misconduct or a violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410 shall intervene to prevent or stop the conduct unless the officer cannot intervene safely. An officer who witnesses such conduct shall report the misconduct or violation as soon as practicable, but not later than 72 hours after witnessing the misconduct or violation to a direct supervisor, chain of command, or the Department of Public Safety Standards and Training (DPSST) (ORS 181A.681).

Failure to intervene or report the misconduct is grounds for discipline by the Department or suspension or revocation of the officer's certification by the DPSST (ORS 181A.681; ORS 181A.683).

Misconduct means (ORS 181A.681):

(a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the department policies related to the use of force.

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(b) Sexual harassment or sexual misconduct.

(c) Discrimination against a person based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age.

(d) A crime.

339.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

339.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

339.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Tualatin Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

339.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

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339.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

339.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

339.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

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339.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

339.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

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3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

339.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

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(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

339.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

339.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

341.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Tualatin Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

341.2 POLICY

It is the policy of the Tualatin Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

341.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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341.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Patrol Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

341.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

341.6 MEDIA DISPOSAL

Electronic media shall be disposed of by one of the following methods:

(a) Overwriting

(b) Degaussing

(c) Destruction

IT systems that have been used to process, store or transmit FBI CJI and/or sensitive and classified information shall not be released from the Tualatin Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

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Report Preparation

343.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

343.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

343.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

343.2.1 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e)

343.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

343.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Death Investigations Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

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(d) Unattended deaths (No physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

343.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

343.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose.

(b) Attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

343.2.6 ALTERNATE REPORTING FOR VICTIMS
Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

343.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

343.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

343.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
Forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

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343.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

343.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor. A supervisor may change a case number or correct a minor error in a report as long as the facts or content are not altered.

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News Media Relations

345.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

345.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Patrol Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

345.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Public Information Officer, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the Public Information Officer.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

345.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFRs should be routed through the Shift Supervisor. The TFR should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

(e) Media representatives will not be allowed to enter the inner perimeter of a tactical situation or a crime scene while an incident or investigation is in progress.

345.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as enforcement actions, movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

345.4 INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Public Information Officer or supervisor. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

Information pertaining to a juvenile arrestee, victim, or witness shall only be released as articulated in Policy Manual § 810.43.

Identifying information concerning victims of sex crimes shall not be included in the log.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of this policy.

345.4.1 SCOPE OF INFORMATION SUBJECT TO RELEASE

The release and inspection of public records is controlled by Policy Manual § 810 and Oregon Revised Statutes 192.410 through 192.505.

The record of an arrest or the report of a crime shall be disclosed unless there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Once the clear need to delay release is no longer present, the following information must be released.

For purposes of this subsection, the record of an arrest or the report of a crime includes:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information.

(b) The offense with which the arrested person is charged.

(c) The conditions of release.

(d) The identity and biological information concerning both the complaining party and the victim.

(e) The identity of the investigating and arresting agency and the length of the investigation.

(f) The circumstances of the arrest including time, place, resistance, pursuit and weapons used.

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

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345.4.2 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Restricted information is outlined in detail in Policy Manual § 810.

(b) Any specific operational or contingency plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity. Oregon Revised Statutes 192.501(18).

(c) Criminal history information.

(d) Information pertaining to pending litigation involving this department.

(e) Information obtained in confidence.

(f) Any information that is otherwise privileged or restricted under state or federal law.

(g) Confidential peace officer personnel information (See Policy Manual § 1026).

1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act (Oregon Revised Statutes 192.502).

(h) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(i) Investigative information other than as listed above, without the expressed authorization of the Detective Supervisor in charge of an investigation.

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Subpoenas and Court Appearances

347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Tualatin Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.2 POLICY

Tualatin Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

347.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A subpoena may be served upon a member by one of the following (ORS 136.595; ORCP 55):

(a) Personal service.

(b) Accepted by an authorized member on behalf of a currently employed officer who is within the state at the time of service and is delivered at least 10 days prior to the hearing date specified on the subpoena.

1. Attendance at trial is related to the officer's work performed in the course of employment as a peace officer.

2. The subpoena clerk shall make a good faith effort to notify the subpoenaed officer of the date, time and location of the court appearance. If the officer cannot be notified, the subpoena clerk will promptly notify the court of the inability to contact the officer.

(c) By mail (civil subpoena only), if the service conditions of ORCP 55(D)(3) are met.

A civil subpoena being served upon a member as an expert witness may be personally served upon the member or member's immediate supervisor (ORS 44.552).

Subpoenas shall not be accepted unless accompanied by the appropriate witness fees as allowed by law (ORS 44.415; ORS 44.554; ORCP 55 (D)(1)).

347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

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(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Tualatin Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Tualatin Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

347.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

347.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

347.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

347.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

347.6 COURTROOM PROTOCOL

When appearing in court, members shall:

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(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

347.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

347.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Reserve Officers

349.1 PURPOSE AND SCOPE

The Tualatin Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

349.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS_DEPUTIES

The Tualatin Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department. The minimum criteria for selection and appointment of reserve officers shall be the same as is required of regular full-time officers.

349.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Upon appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a basic reserve academy within 18 months of the date of appointment. Exceptions will be made on a case by case basis for those who have previously completed a basic reserve academy.

349.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take an oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS_DEPUTIES

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued one set of uniforms to include one short sleeve and one long sleeve shirt and boots. Used Department vests will be available to reserve officers, however they may purchase their own Department approved body armor. Reserve officers will be issued any necessary equipment and accessories as needed. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

349.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g. a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 C.F.R.553.30).

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349.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Patrol Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month. At least 12 of those hours will be served in a patrol capacity.

349.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

349.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

349.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

(c) Establishing and maintaining a reserve call-out roster

(d) Monitoring individual reserve officer performance

(e) Monitoring the overall Reserve Program

(f) Maintaining liaison with other agency Reserve Coordinators

349.4 FIELD TRAINING

The field training program shall consist of the completion of two training phases to be completed under the supervision of a Reserve Advisor, with the assistance of other officers, as assigned by the department. During the field training period the reserve officer must complete the standard DPSST Field Training Manual as described in § 350.43.

349.4.1 TRAINING OFFICERS

Officers of this department, who are designated as Field Training Officers, or who have successfully completed their probationary period, may train the reserves during the FTEP Phase, subject to the FTEP Coordinator and the Reserve Coordinator's approval.

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349.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will be assigned to a Reserve Advisor, who will oversee their field training.

349.4.3 FIELD TRAINING MANUAL
Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Tualatin Police Department. Each section of the manual must be signed-off by both the Reserve Advisor and any other officer observing the performance. The completed manual will be submitted to the department Training Coordinator and it shall become part of the reserve officer's training file. The reserve officer shall become knowledgeable of the subject matter as outlined and proficient with those skills as set forth in the manual.

349.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE
At the completion of each training phase, the Primary Training Officer will meet with the Reserve Coordinator, the Reserve Advisor and the FTEP Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to the next level of training. If he/she has not progressed satisfactorily, the Reserve Coordinator and the FTEP Coordinator will determine the appropriate action to be taken.

349.4.5 SECONDARY TRAINING PHASE
During the FTEP training phase the reserve officer's performance will be closely monitored. Progress should continue towards the completion of the Officer's Field Training Manual.

349.5 SUPERVISION OF RESERVE OFFICERS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator or his/her designee. All reserve officers are required to attend scheduled meetings. Except for circumstances unknown to the Reserve Officer, any absences must be satisfactorily explained to the Reserve Coordinator 72 hours prior to the scheduled meeting.

349.5.1 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be similar to those worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

349.5.2 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

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349.5.3 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Division Commander.

Reserve officers are considered at-will employees.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

349.5.4 RESERVE OFFICER EVALUATIONS
While in training reserve officers will be continuously evaluated and will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

349.6 FIREARMS REQUIREMENTS
Reserve officers have peace officer powers during his/her assigned tour of duty.

349.6.1 IN-SERVICE TRAINING
Reserve officers are encouraged to attend all in-service training offered to regular officers. Reserve officers are required to attend classes designated as mandatory either at one of the regular in-service sessions or one scheduled specifically for reserves.

349.6.2 CONCEALED FIREARMS PROHIBITED
No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

349.6.3 RESERVE OFFICER FIREARM TRAINING
All reserve officers are subject to the same firearms policy, procedures and qualification standards as established by the Department for full-time officers.

349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
In the event of an emergency, a supervisor or OIC may utilize the services of the reserve officers from the Tualatin Police Department to assist with the handling of the emergency. Current phone

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numbers, addresses and contact information for all reserve officers shall be kept in the Office Coordinator's log book and accessed by a supervisor or OIC if necessary.

349.8 RESERVE LEVELS

The Reserve Officer position is divided into two phases. Those phases will be progressive in nature and will be attained by experience, training and evaluation.

(a) Phase I - Recruit Reserve Officer. A person accepted into the reserve unit as a trainee; he/she is expected to participate in reserve training activities and attend the Reserve Academy. A Recruit Reserve Officer is expected to successfully complete the Reserve Academy before the recruit may progress to the next phase.

(b) Phase II Reserve Officer. A member of the Reserve Program who has successfully completed all defensive tactics, baton/O.C., E.V.O.C. (Emergency Vehicle Operations Course) and firearms training sponsored by the Department and is in the process of, or has completed the Reserve FTEP Program. The reserve officer will wear a uniform similar to the police officer uniform and may be granted the authority to operate a marked patrol vehicle while working in conjunction with a regular sworn officer during routine patrol.

(c) Phase III Reserve Officer. Any member of the Reserve Unit who has successfully completed 300 hours of patrol in conjunction with the FTEP Program, along with all mandatory department training, and has administrative approval, may operate a marked patrol vehicle in a solo capacity, if approved by the Chief of Police or his/her designee.

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Outside Agency Assistance

351.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

351.2 POLICY

It is the policy of the Tualatin Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

351.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Patrol Sergeant's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Patrol Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

351.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Tualatin Police Department shall notify his/her supervisor or the Patrol Sergeant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

351.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

351.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Patrol Sergeant.

351.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Patrol Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Coordinator should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Tualatin Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

355.2 POLICY

It is the policy of the Tualatin Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

355.3 REGISTRATION

The RecordsSupervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Records Unit Supervisor shall ensure that the registration information is provided to the Oregon State Police in accordance with ORS 181.810.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to report.

355.3.1 CONTENTS OF REGISTRATION

Registrants shall (ORS 163A.010; OAR 257-070-0110):

(a) Provide the information to complete the sex offender registration form and sign it.

(b) Submit to photographs, including photographs of scars, marks or tattoos, when initially reporting and each time the registrant reports annually.

(c) Submit to fingerprinting, if required.

355.4 MONITORING OF REGISTERED OFFENDERS

The Detective Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the State of Oregon Sex Offender Inquiry System.

(c) Contact with a registrant’s parole or probation officer.

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Any discrepancies should be reported to Oregon State Police.

The Detective Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Tualatin Police Department personnel, including timely updates regarding new or relocated registrants.

355.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Sex Offender Inquiry System (http://sexoffenders.oregon.gov/), or the Tualatin Police Department's website.

The Records Supervisor shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 163A.215; ORS 163A.225; ORS 192.311 to ORS 192.499).

355.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register, who are in compliance with the offender registration laws and who the law permits to be included.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The information on the registry may not reflect the entire criminal history of a registered offender.

(e) Anyone who uses information contained in the registry to harass or discriminate against registrants or commit any crime may be subject to criminal prosecution and/or civil action.

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Major Incident Notification

357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

357.2 POLICY

The Tualatin Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

357.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to an employee on- or off-duty
- Death of a prominent official
- Arrest of department employee or prominent official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other event likely to attract media attention

357.4 PATROL SERGEANT RESPONSIBILITY

The Patrol Sergeant is responsible for making the appropriate notifications. The Patrol Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Patrol Sergeant shall attempt to make the notifications as soon as practicable. Notification should be made during off-duty hours by calling the home telephone number first and then by cellular telephone.

357.4.1 STAFF NOTIFICATION

In the event an incident occurs as described in the Policy section of this policy, the Chief of Police shall be notified along with the affected Division Commander and the Detective Supervisor if that division is affected.

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357.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

357.4.3 TRAFFIC DIVISION NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Supervisor shall be notified who will then contact the appropriate accident investigator.

357.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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Death Investigation

359.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

359.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor or officer in charge shall be notified and should respond to all death investigations and shall then notify the Detective Sergeant.

The Detective Sergeant will cause a detective(s) to consult with the primary officer and/or respond to all unattended deaths and assist the patrol officer(s) in the investigation. The detective(s) will not immediately take over an investigation when they arrive on scene but assist in making an assessment to better determine what investigative steps/protocols need immediate attention. The Detective Sergeant may respond to allocate investigative resources and manage the scene.

Further communications may have to take place with the shift supervisor or on-call supervisor via the O.I.C. to determine whether additional patrol resources are needed to back-fill the patrol officer(s) temporarily assigned to deal with the death investigation.

359.2.1 MEDICAL EXAMINER NOTIFICATION

Oregon Revised Statutes 146.090 requires that a medical examiner must be notified in the following circumstances. Any death:

(a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances

(b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents

(c) Occurring while incarcerated in any jail, correction facility, or in police custody

(d) Apparently accidental or following an injury

(e) By disease, injury or toxic agent during or arising from employment

(f) While not under the care of a physician during the period immediately previous to death

(g) Related to disease which might constitute a threat to the public health

(h) In which a human body apparently has been disposed of in a manner that is offensive to the generally accepted standards of the community

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The body, effects of the deceased, and any instruments or weapons related to the death shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner, medical-legal death investigator or the District Attorney (ORS 146.103).

A Medical Examiner, medical-legal death investigator or District Attorney, in conjunction with the Tualatin Police Department and/or the county Major Crime Team, shall take custody of, or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner has reason to believe were involved in the death, in order to preserve evidence related to the cause and manner of death (ORS 146.103).

The members of the Tualatin Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.

359.2.2 SEARCHING DEAD BODIES

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased, a receipt shall be obtained. This receipt shall be attached to the death report.

Officers must make a reasonable search of an individual who reasonably appears to be dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a donor refusal. If a document of gift or a refusal to make an anatomical gift is located and the individual or deceased individual is taken to a hospital, the officer must alert the hospital staff to the documentation and forward it to the hospital (ORS 97.970). Officers must consider the integrity of the scene and evidence collection issues when deciding whether a search is reasonable.

359.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

Upon identifying the body, investigators shall attempt to locate the next of kin or responsible friends to obtain the designation of a funeral home to which the deceased is to be taken.

359.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

359.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

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359.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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Identity Theft

361.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. A person commits the crime of identity theft if the person, with the intent to deceive or to defraud, obtains, possesses, transfers, creates, utters or converts to the person own use the personal identification of another person (Oregon Revised Statutes 165.800). This policy is intended to provide guidelines for the reporting and investigation of such crimes.

361.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of "identity theft" shall initiate a report for victims residing within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

363.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ORS 133.220(5).

363.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

363.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer (ORS 133.225).

363.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

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(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

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Limited English Proficiency Services

367.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

367.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Tualatin Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

367.2 POLICY

It is the policy of the Tualatin Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

367.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Tualatin Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Patrol Sergeant and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

367.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

367.5 TYPES OF LEP ASSISTANCE AVAILABLE

Tualatin Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

367.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

367.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

367.7.1 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

367.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

367.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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367.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

367.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

367.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Tualatin Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

367.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

367.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

367.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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367.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

367.13.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who cannot readily understand or communicate the English language shall, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

367.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

367.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

367.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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367.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures; including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

367.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

369.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

369.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

369.2 POLICY

It is the policy of the Tualatin Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

369.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Tualatin Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Patrol Sergeant and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

369.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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369.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Tualatin Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

369.6 TYPES OF ASSISTANCE AVAILABLE

Tualatin Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

369.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

369.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

369.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

369.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

369.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

369.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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369.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

369.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

369.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

369.14.1 INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who is deaf, has a physical hearing impairment or physical speaking impairment should when practicable, prior to any interrogation or the taking of a statement, make available a qualified interpreter to assist throughout the interrogation or taking of the statement. Fees and expenses of the interpreter will be paid as specified by Oregon law (ORS 133.515).

369.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee’s health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

369.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

369.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

369.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Requisition and Issuance of Supplies

370.1 REQUISITON OF SUPPLIES

All personnel who are in need of supplies shall complete a Requisition of Supplies form available from the Office Coordinator. The form shall be approved by a supervisor and submitted to the Office Coordinator. The Office Coordinator will then submit the form for approval to a Captain or the Chief.

Only the Office Coordinator shall order supplies and no supplies will be provided without a Requisition of Supplies form.

370.2 ISSUANCE OF SUPPLIES

Supplies and property of the Tualatin Police Department should be issued to personnel according to the following guidelines:

(a) OFFICE SUPPLIES:

1. Office supplies are available through the Office Coordinator and are generally stored in that work area.

(b) DEFENSIVE EQUIPMENT AND SUPPLIES:

1. Defensive equipment, including ammunition, ASP batons, Tasers, etc, are available through an employees direct supervisor and the Patrol Division Commander.

(c) UNIFORM SUPPLIES:

1. Uniforms and uniform supplies are available through an employees direct supervisor and their Division Commander.

(d) VEHICLE SUPPLIES:

1. Vehicle supplies are available through an employees direct supervisor and their Division Commander via the City of Tualatin Operations Department, Fleet Division.

(e) OTHER SUPPLIES AND EQUIPMENT:

1. Any other extraneous supplies and equipment required by employees should be requested through their immediate supervisor and then via the chain of command.

370.3 INVENTORY

All non-consumable supplies and equipment will be inventory tracked by the Tualatin Police Department Property/Evidence staff. The inventory will be maintained in a secure database.

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Cash Funds/Accounts

372.1 PURPOSE AND SCOPE

The purpose of the Cash Funds/Accounts policy is to establish procedures for the maintenance of all cash funds or accounts where agency members receive, maintain, or disburse cash.

372.2 PETTY CASH FUNDS

The department maintains a petty cash fund for small items, such as minor office supplies, reimbursements for small amounts, etc. The Office Coordinator is the appointed custodian of the petty cash fund and will appoint a back-up custodian in the event of their absence. The City of Tualatin utilizes the imprest cash system in which petty cash is established at a fixed amount by department or building. The Tualatin Police Department's petty cash fund has been established at a fixed amount of $200.00. The maximum amount petty cash expenditure is $30.00. The primary responsibilities of the petty cash fund custodian are to:

(a) Safeguard the cash on hand against theft, shortage and improper handling.

(b) Ensure that all disbursements made from the fund are supported by a receipt as evidence of payment, approved by the Chief or his designee, and charged to the proper account.

(c) Request replenishment of the fund on a timely basis when the fund becomes low.

372.2.1 REQUESTING REIMBURSEMENT

In order to reconcile the petty cash fund, the custodian is responsible for adding the amount of petty cash remaining in the fund and the sum of the receipts, which should equal the fixed amount ($200.00) of the petty cash fund.

When requesting reimbursement, the custodian is responsible for creating a Field Purchase Order, which must be approved by the Chief or his designee. The Field Purchase Order and receipts are given to the Finance Department who then issues the amount of cash necessary to replenish the fund up to its fixed amount.

372.3 ALARM PERMIT/FALSE ALARM FEES

The Office Coordinator is also responsible for collecting alarm permit fees and false alarm fees. These fees are received in the form of checks, cash, and money orders, but must be exact amounts. As these fees come due for new alarm permit holders, renewal alarm permit holders and permit holders that are fined for false alarms, the Office Coordinator is responsible for entering those amounts into the accounting database utilized by the City of Tualatin. The Office Coordinator will create a batch of fee entries into the City's accounting database no less than one time a week.

Once the fees received are entered into the accounting database, they are sent to the Finance Department. The Finance Department is then responsible for recounting the monies and balancing them against the entries made into the accounting database. Once it is determined that the money balances against the entries in the database, the Finance Department is responsible for closing

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the batch in the database and depositing the money into the City's bank account. The primary duties of the Office Coordinator are to:

(a) Safeguard the alarm fees on hand against theft, shortage, and improper handling.

(b) Ensure that the fees are kept in a locked storage area or drawer when not being monitored by the Office Coordinator or after business hours.

(c) Create timely entries into the accounting software and deliveries of the money to the Finance Department.

372.4 RECORDS UNIT FUNDS

The Records Unit Fund consists of monies received for the purchase of records and related documents and for vehicle tow fees. All tow fees are required to be paid in the form of exact cash, money order, or cashier's check only. All funds received for the purchase of records and related documents can be in the form of exact cash, personal check, cashier's check or money order. A receipt shall be generated in the City's accounting software and issued to the customer. The money shall be turned over to the Finance Department on a scheduled basis, no less than one time per week. The supervisor of the Records Unit is the designated custodian of the Records Unit Fund and ultimately responsible for the fund. However, each employee assigned to the Records Unit is responsible for accepting money and providing the customer with a receipt. The Records Unit Fund shall be kept within a cash box, kept inside of a drawer, behind the Records Unit counter in the secure area of the building. The drawer may be kept unlocked during business hours, but must be locked during non-business hours. An exception may be made to allow access to the Records Unit Fund by the on-duty patrol supervisor or OIC, during non-business hours to accept money for a tow fee.

372.5 ACCOUNTING OF AGENCY CASH ACTIVITY

The City will maintain high standards of accounting. Generally accepted accounting principles (GAAP) will be used in accordance with the standards developed by the Governmental Accounting Standards Board and endorsed by the Government Finance Officers' Association (GFOA).

Financial systems will be maintained to monitor expenditures and revenues on a monthly basis, with thorough analysis by the Finance Department.

Full disclosure will be provided in the financial statements and bond representations.

The accounting system will provide monthly information about cash position and investment performance.

372.6 AUDITS

The Petty Cash Fund is subject to unannounced audits by the Finance Department.

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Additionally, an independent annual audit of the City's financial activity will be performed by a public accounting firm, which will issue an official opinion on the annual financial statements and management letter detailing areas that need improvement.

The City will annually submit documentation to obtain the Certificate of Achievement for Excellence in Financial Reporting from GFOA.

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Fiscal Management and Agency Owned Property

374.1 POLICY

It is the policy of the Tualatin Police Department to ensure all accounting, budgeting and fiscal procedures utilized, conform to accepted practices while meeting the needs of the Police department.

374.2 PROCEDURE

374.2.1 FISCAL MANAGEMENT

The City Manager assigns responsibility for the overall fiscal management of the Police department to the Chief of Police. The Chief of Police will work with the City Manager and the Finance Director on fiscal matters.

374.2.2 BUDGET

The Department budget is overseen by the Chief of Police, who is responsible for ensuring that budget funds are not over-expended and/or necessary budget changes are made prior to funds being over-expended. The legal level of appropriation for the Police department's budget is the department's total budget.

The Chief of Police or designee prepares the department's budget recommendations according to the citywide budget instructions issued by the Finance Director and the internal budget preparation procedures developed by the Police Department. The Police Chief presents the department's budget to the City Manager and the Finance Director during the internal budget review process.

374.2.3 PURCHASING

The City of Tualatin's Finance Department establishes procedures for the requisition and purchase of division equipment and supplies to include at a minimum:

(a) Specifications for items requiring standardized purchases;

(b) Bidding procedures including when bids are required;

(c) Criteria for the selection of vendors and bidders; and

(d) Procedures for the emergency purchasing or rental agreements for equipment.

In the event additional funds are needed by the Police Department, the Chief of Police will forward a written request for funds to the City Manager prior to the expenditure or commitment of additional funds. Such request for additional or emergency appropriations will include the reason for the request and the amount requested. Procedures for requesting supplemental or emergency appropriations and fund transfer(s) will comply with Oregon Local Budget Law. The Finance Director is responsible for ensuring that all changes are made in compliance with Oregon Local Budget Law.

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374.2.4 ACCOUNTING

The Police Department accounts are maintained by the Finance Department and monitored by the Chief of Police or designee. The accounting system provides the monthly status by expenditure line item on the following:

(a) Initial appropriation for each account;

(b) Balances at the commencement and end of the monthly period;

(c) Expenditures made during the period; and

(d) Remaining appropriation authority (unencumbered balance).

The Chief of Police and designee shall have access to the City's on-line financial reporting system that provides the above information.

In accordance with City Charter, the duties of the City Auditor (outside consultant appointed by the City Council) include performing any and all audits of the City fiscal affairs as are required by State law, and such other audits of the City accounting and financial practices as may be required by the City Council from time to time. In addition to the annual outside audit, the Accountant shall perform at least one unannounced review of petty cash during each fiscal year.

374.2.5 AGENCY-OWNED PROPERTY

City capitalization policies require that all assets costing $5,000 or more be capitalized and maintained on the City's fixed asset inventory maintained by the Finance Department.

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Stalking

375.1 PURPOSE AND SCOPE

This policy establishes procedures for the investigation and enforcement of stalking complaints (ORS 163.730 et seq.).

375.2 POLICY

Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Tualatin Police Department to ensure that complaints of stalking will be given high priority and that every formal stalking complaint will be thoroughly investigated and forwarded to the District Attorney's Office.

375.3 UNIFORM STALKING COMPLAINT

The Department will make available an Oregon Uniform Stalking Complaint form to any person desiring to file a stalking complaint regardless of where the violation is alleged to have occurred. Officers will provide reasonable assistance as necessary to petitioners to properly complete and sign the form.

Upon receipt of a Uniform Stalking Complaint, officers shall complete a thorough investigation. All stalking incident reports and the results of any investigation shall be forwarded to the District Attorney's Office within three days, regardless of whether any civil or criminal action was taken (ORS 163.744; ORS 163.738(7)).

375.4 UNIFORM STALKING CITATION

If after investigating a stalking complaint the officer has probable cause to believe that the offense of stalking has occurred as provided in ORS 163.732(1), the officer shall issue and attempt to serve a Uniform Stalking Citation to the respondent to appear in court within three judicial days of service to determine if a Stalking Protective Order will be issued (ORS 163.735; ORS 163.738).

375.4.1 SERVICE OF STALKING CITATIONS

If the Uniform Stalking Citation is served on a respondent, the District Attorney's Office will initiate the hearing process. Officers should:

(a) Advise the respondent of the following:

1. The court date and time and location of appearance
2. The contents of the citation and the state and federal law restrictions contained on the front and back of the respondent's copy of the citation
3. That if the respondent fails to appear at the hearing, a warrant will be issued for their arrest, as well as a Stalking Protective Order
4. That engaging in behavior that alarms or coerces the petitioner may result in their arrest

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(b) Provide a copy to the petitioner and advise the petitioner that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

If there is probable cause to issue a citation, but the citation is not served, officers should:

(a) Document attempts to serve the respondent.

(b) Refer the victim to the following for assistance in obtaining a civil Stalking Protective Order:

1. A private attorney
2. Legal Aid
3. The District Attorney's office Victim Assistance Unit

375.5 ARREST

Officers may arrest or cite a suspect for any criminal offense committed (including stalking) if the statutory elements have been met, as well as issue a (civil) Uniform Stalking Citation; the two actions are not mutually exclusive.

375.5.1 STALKING PROTECTIVE ORDERS

Once the court issues a Stalking Protective Order and it is served on the respondent, officers may arrest the respondent for violating the terms of the order (ORS 163.750).

375.6 RESTRAINING ORDERS

Court stalking orders and restraining orders are different and are not mutually exclusive. Stalking reports may be appropriate even if a valid restraining order is in place.

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Officer Wellness Program

376.1 PURPOSE AND SCOPE

The department has established an Officer Wellness Program that is intended to provide for the physical, mental, psychological and spiritual well-being of its members. The program is intended to insure that all members of the department experience a successful career and family life, and are rewarded with the opportunity to enjoy retirement.

The program will focus on preventing, reducing and/or mitigating the job-related, and life-related stresses that employees often face and have an adverse impact on the employee's efficiency and effectiveness. Many of these stressors are unique to the law enforcement profession and if not addressed, may lead to stress-related illnesses and other health issues; as well as post-traumatic-stress.

376.2 PROGRAM COMPONENTS

The Officer Wellness Program includes, but is not limited to the following components;

- Peer Support Team
- Chaplain
- Physical Fitness Incentive
- Critical Incident Stress Management Team
- Employee Assistance Program
- Ongoing in-service training and education, focused on promoting physical health, mental health and overall well-being; to include training related to resiliency, mindfulness and retirement planning.

376.3 PROGRAM OVERSIGHT

The Officer Wellness Program will fall under the direction of the Support Captain.The Support Captain will insure all components of the program are appropriately managed, supervised, and operate in accordance with best practices; as established by current industry standard.

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Chaplains

377.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Tualatin Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

377.2 POLICY

The Tualatin Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

377.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but ar not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

377.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Tualatin Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

377.4.1 RECRUITMENT

Chaplains may be recruited consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public.

377.4.2 SELECTION AND APPOINTMENT

Chaplain cadidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator or command staff.

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(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

377.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. A dress shirt with the department logo will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Tualatin Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Tualatin Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

377.6 DUTIES AND RESPONSIBILITIES

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by a directly responsible to the Chief of Police.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Supervisor.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but ar not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing a disseminating, as appropriate, all necessary paperwork and information.

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(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

377.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the shift supervisor or higher ranking member.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Tualatin Police Department.

377.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

377.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will follow guidelines set forth by TVF&R in regards to on-call assignments.

(b) At the completion of a "call-out" the chaplain will complete a chaplain call-out report and submit it to the Chief of Police or the authorized designee.

(c) Chaplains shall be permitted to ride with officers during any shift and observe Tualatin Police Department operations, provided the Shift Supervisor has been notified and has approved the activity.

(d) Chaplains shall be be evaluators of members of the Department.

(e) In responding to incidents, a chaplain shall never function as an officer.

(f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(g) As a Tualatin chaplain, they will serve only within the jurisdiction of the Tualatin Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(h) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that

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may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

377.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

377.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Supervisor or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

377.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

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(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

377.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Tualatin Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Tualatin Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

377.9 TRAINING

The Tualatin Police Department will coordinate with the chaplains to ensure they receive training in the areas of:

(a) Stress management

(b) Death notifications

(c) Symptoms of post-traumatic stress

(d) Burnout for members of law enforcement and chaplains

(e) Legal liability and confidentiality

(f) Ethics

(g) Responding to crisis situations

(h) The law enforcement family

(i) Substance abuse

(j) Suicide

(k) Officer injury or death

(l) Sensitivity and diversity

377.10 TRAINING

The Department will rely on TVF&R to ensure the chaplains are trained appropriately.

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Child and Dependent Adult Safety

379.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

379.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Tualatin Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

379.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Tualatin Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

379.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.

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2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Patrol Sergeant of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

379.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law.

379.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

379.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

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Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

379.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Service Animals

381.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Tualatin Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

381.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

381.2.1 STATE LAW

Oregon law expands the definition of a service or assistance animal to include a dog or other animal designated by administrative rule that is individually trained to do work or perform tasks for the benefit of an individual (OAR 839-006-0345).

381.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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381.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Tualatin Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task the animal meets the definition of a service animal and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as the result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteer Program

385.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

385.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

385.2 VOLUNTEER MANAGEMENT

385.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Support Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

385.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

385.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Oregon State Police Clearinghouse Unit.

(b) Employment.

(c) References.

(d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

385.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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385.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

385.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

385.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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385.2.8 LIABILITY COVERAGE
Liability coverage for covered volunteers will be pursuant to City provisions.

385.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

385.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

385.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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385.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid Oregon Driver's License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and volunteers are not authorized to operate a Department vehicle Code-3.

385.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete the Law Enforcement Data System (LEDS) and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and LEDS training is provided for volunteers whenever necessary.

385.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

385.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

385.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the

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best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

385.8 LIABILITY AND WORKERS' COMPENSATION

The City Council wishes to protect its volunteers from injuries arising out of, or in the scope of, their service to the City. The City elects, pursuant to ORS 656.031 to provide workers' compensation insurance coverage to volunteers listed on the electronically submitted CIS Volunteer Election form.

The City's liability insurance covers volunteers the same as employees.

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Off-Duty Law Enforcement Actions

387.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Tualatin Police Department with respect to taking law enforcement action while off-duty.

387.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

387.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

387.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

387.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Tualatin Police Department officer until acknowledged. Official identification should also be displayed.

387.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

387.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

387.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

387.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Patrol Sergeant as soon as practicable. The Patrol Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Canines

388.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

388.2 POLICY

It is the policy of the Tualatin Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

388.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Patrol Sergeant.

388.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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388.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Patrol Sergeant.

388.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Sergeant and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

388.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

388.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Sergeant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

388.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

388.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine

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momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

388.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

If the local public health administrator has exempted this department from the requirement to hold the canine after a bite, the canine handler shall notify the local public health administrator immediately should the canine develop any abnormal behavior within 10 days of biting a person (OAR 333-019-0024).

388.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

388.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

388.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

388.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

388.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

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(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) Living within 30 minutes travel time from the Tualatin City limits.

388.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Tualatin Police Department facility.

(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(f) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Sergeant.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

(k) Handlers should not tether a canine in a manner that would violate ORS 167.325(1); ORS 167.330(1); and/or ORS 167.343.

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388.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

388.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding between the handler and the City (29 USC § 207).

388.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

388.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Oregon Police Canine Association (OPCA) standards or other accredited and recognized animal handling organization standards (ORS 167.310). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The training coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Sergeant.

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388.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to OPCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Tualatin Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or the Patrol Sergeant.

388.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing OPCA canine certification standards, or other accredited or recognized animal handling organization standards, shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

388.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

388.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Tualatin Police Department may work with outside trainers with the applicable licenses or permits.

388.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); ORS 475.135).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Tualatin Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

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388.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

388.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; ORS 480.205).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

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(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Native American Graves Protection and Repatriation

389.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

389.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

389.2 POLICY

It is the policy of the Tualatin Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

389.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Oregon State Police, State Historical Preservation Officer, appropriate Indian tribe and the Commission on Indian Services (ORS 97.745)
- Tribal land - Responsible Indian tribal official

389.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Extreme Risk Protection Orders

390.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for the deadly weapons obtained pursuant to those orders.

390.1.1 DEFINITIONS

Definitions related to this policy include (ORS 166.525):

Deadly weapon - A firearm, whether loaded or unloaded, or any other instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury.

Extreme risk protection order - An order prohibiting a named person from having in his/her custody or control, owning, purchasing, possessing, receiving, or attempting to purchase or receive a deadly weapon.

390.2 POLICY

It is the policy of the Tualatin to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for deadly weapons obtained by the Department pursuant to such orders.

390.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person presents a risk in the near future, including an imminent risk of suicide or causing physical injury to another person, may request permission from his/her supervisor to petition the court for an extreme risk protection order. The petition must be supported by a written affidavit signed under oath or by a sworn oral statement (ORS 166.527).

390.4 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form. The officer assigned to serve the order and hearing request form shall immediately deliver to the county sheriff a true copy of proof of service and a copy of the order (ORS 166.527).

The county sheriff is responsible for entering the order into the state's Law Enforcement Data Systems (LEDS) with a request that the order be entered in the National Crime Information Center (NCIC). Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

If service of the order cannot be completed within 10 days, the officer shall notify the petitioner at the address he/she provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice with the court showing service was not completed (ORS 166.527).

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390.5 SERVICE

The person shall be personally served with a copy of the extreme risk protection order and a hearing request form (ORS 166.527).

Any served order shall be entered into the state's Law Enforcement Data Systems (LEDS) by this Department with a request that the order be entered in the National Crime Information Center (NCIC) when the order is served (ORS 166.527):

(a) By a member of this Department.

(b) By any law enforcement agency and this Department is provided a receipt of a copy of the order and notice of completion of service.

(c) By a person and this Department is provided a copy of the proof of service.

Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the order, which is enforceable throughout the state (ORS 166.527).

The Department shall provide the petitioner a copy of the proof of service for the extreme risk protection order (ORS 166.527).

If service of the order cannot be completed within 10 days, the officer shall notify the petitioner at the address he/she provided. If the officer is the petitioner and service is not made, the order shall be held for future service and the officer should file notice to the court showing service was not completed (ORS 166.527).

390.5.1 SURRENDER OF DEADLY WEAPONS AND HANDGUN LICENSE

The officer serving an extreme risk protection order shall request that the person immediately surrender all deadly weapons in his/her custody, control, or possession along with any concealed handgun license issued to the person. The officer shall take custody of any weapons or license surrendered. If the person indicates an intention to surrender the weapons to a gun dealer or a third party, the officer shall request that the person identify that gun dealer or third party. Prior to taking any enforcement action, the officer should make a reasonable effort to follow up with the gun dealer or third party to determine if the deadly weapons were surrendered (ORS 166.537).

The officer serving an extreme risk protection order continued after a court hearing held under ORS 166.530, or a renewed extreme risk protection order, shall request that the person surrender all deadly weapons in his/her custody, control, or possession. The officer may conduct any search permitted by law for deadly weapons and shall take possession of all deadly weapons appearing to be in the custody, control, or possession of the person that are surrendered, in plain sight, or discovered pursuant to a lawful search (ORS 166.537).

A receipt identifying all surrendered items shall be prepared by the officer and a copy given to the person. The officer should ensure the original receipt is forwarded to the Records Supervisor as soon as practicable (ORS 166.537).

All deadly weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

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390.5.2 SEARCH WARRANTS

If a person who has been served with an extreme risk protection order refuses to surrender any deadly weapons, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

390.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (ORS 166.537).

390.7 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for:

(a) Ensuring that the original receipt of surrendered deadly weapons and concealed handgun license is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (ORS 166.537).

(b) Ensuring orders have been properly entered into state and national databases as required by ORS 166.527.

(c) Removing from LEDS an original order upon receipt of a termination order from the court and requesting that the order be removed from NCIC (ORS 166.533).

390.8 COURT-ORDERED SURRENDER OF DEADLY WEAPONS

Authorized members should accept deadly weapons and a concealed handgun license from any person who is the subject of an extreme risk protection order. The member receiving any such items shall issue a receipt identifying all surrendered items, in addition to following other relevant Department procedures (ORS 166.537).

390.9 RELEASE OF DEADLY WEAPONS

Any deadly weapon or concealed handgun license in Department custody pursuant to an extreme risk protection order will be released only as authorized by ORS 166.540 and applicable provisions of the Property and Evidence Policy.

390.10 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Detective Unit supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal should be requested within the time prescribed by law (ORS 166.535).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division and other units within the department who may conduct patrol duties to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Tualatin Police Department, respond to citizen calls for assistance, act as a deterrent to crime, enforce local ordinances as well as state laws, and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between the Patrol and other divisions within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the Tualatin Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to the Investigations Unit in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Tualatin Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis function will be the responsibility of the Detective Sergeant and he/she will be the central point for information exchange relative to crime analysis, trends and special persons or locations of interest or special information. Criminal information and intelligence reports can be submitted to the Records Division for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the area check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Detective Unit for display of suspect information, intelligence reports and photographs. New Departmental Directive will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

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

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

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

402.1.1 DEFINITIONS

Definitions related to this policy include:

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

402.2 POLICY

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

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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402.4.1 REASON FOR CONTACT

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

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

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

402.5 SUPERVISOR RESPONSIBILITIES

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

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

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

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

    1. Supervisors should document these periodic reviews.

    2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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

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

402.6 ADMINISTRATION

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

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

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402.7 TRAINING

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

402.7.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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

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Briefing

404.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

404.2 PREPARATION OF MATERIALS

The supervisor conducting briefing training is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in the supervisor's absence or for training purposes.

404.3 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

404.4 BRIEFING

All divisions and specialized units will conduct regular briefing to discuss, disseminate, and exchange information among department members, work groups, and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in the supervisor's absence or for training purposes.

Briefing should include but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:

1. Wanted persons.
2. Crime patterns.
3. Suspect descriptions.
4. Intelligence reports and photographs.
5. Community issues affecting law enforcement.
6. Major investigations.

(b) Notifying members of changes in schedules and assignments.

(c) Reviewing recent incidents for situational awareness and training purposes.

(d) Providing training on a variety of subjects.

(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

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404.4.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Coordinator for inclusion in training records, as appropriate.

404.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

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Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Tualatin Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 INVESTIGATION DIVISION COMMANDER RESPONSIBILITIES

The Investigation Division Commander is responsible for:

(a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.

(b) Establishing procedures for collecting, processing and preserving physical evidence in the field.

(c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.

(d) Establishing procedures for processing, developing, lifting and labeling fingerprints.

(e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

406.7 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to execute and enforce lawful orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ORS 433.156).

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Tactical Negotiations Team (TNT)

407.1 PURPOSE AND SCOPE

The Tactical Negotiations Team (TNT) is comprised of highly trained and skilled officers from various police agencies in Washington County who are called upon to respond and handle incidents that pose a significant threat to the safety of the community and/or police officers.

407.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The operation and administration of the Washington County Tactical Negotiations Team is vested in the Washington County Sheriff's Office as the accredited parent agency of the team.

Operation and administration of the Washington County Tactical Negotiations Team details and policy are contained within the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual, herein referenced.

Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel, allowing for appropriate on-the-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

407.1.2 DEFINITIONS

Tactical Negotiations Team: The Tactical Negotiations Team is a designated unit of law enforcement officers from agencies in Washington County that are specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts, and other high-risk incidents. As a matter of agency policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

407.2 AGENCY POLICY

It shall be the policy of this agency to maintain membership in the Washington County Tactical Negotiations Team and to provide the equipment, manpower, and training necessary to maintain that membership. TNT should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators, and potential incident commanders. Nothing in this policy shall prohibit TNT from responding

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to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

407.2.1 TNT POLICY CONSIDERATIONS
Policy considerations are the subject of the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual and the Washington County Sheriff's Office with member agencies through the Washington County Law Enforcement Council.

407.2.2 TNT ORGANIZATIONAL PROCEDURES
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.2.3 TNT OPERATIONAL PROCEDURES
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.2.4 MULTI-JURISDICTIONAL TACTICAL OPERATIONS
The Washington County Tactical Negotiations Team and Hostage Negotiations Team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

If it is anticipated that multi-jurisdictional tactical operations will regularly be conducted; multi-agency and multi-disciplinary tactical joint training exercises are encouraged.

Such protocols, agreements, MOU's and joint working and training relationships are the responsibility of the command element of the Washington County Tactical Negotiations Team and the Washington County Hostage Negotiations Team.

407.3 TNT TRAINING NEEDS ASSESSMENT
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.3.1 TNT INITIAL TRAINING
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.3.2 TNT UPDATED TRAINING
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.3.3 TNT SUPERVISION AND MANAGEMENT TRAINING
To ensure command and executive personnel who provide active oversight at the scene of TNT operations understand the purpose and capabilities of the teams; command and executive personnel are encouraged to attend training for managing the TNT function at the organizational level.

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Command personnel who may assume incident command responsibilities should attend a tactical or critical incident commander course or its equivalent. TNT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

407.3.4 TNT ONGOING TRAINING
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

407.3.6 TNT TRAINING DOCUMENTATION
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual. Individual and team training shall be documented and records maintained by the Washington County Sheriff's Office Training Unit. Such documentation shall be maintained in each officer's individual TNT training file.

407.4 TNT UNIFORMS, EQUIPMENT, AND FIREARMS
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.4.1 ON-SCENE TNT ATTIRE
TNT members should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission. Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.4.2 TNT EQUIPMENT
TNT members should be adequately equipped to meet the specific mission(s) identified by the team. Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.4.3 TNT FIREARMS
Weapons and equipment used by TNT and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments. Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.5 TNT ADMINISTRATIVE PROCEDURES
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.5.1 TNT EVALUATION
Reference the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

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407.5.2 SELECTION OF TNT PERSONNEL

When openings are announced for positions on the Washington County Tactical Negotiations Team and the Tualatin Police Department has adequate personnel to support an additional position on the team, that opening will be announced pursuant to the procedure for all "Special Assignments" within the department.

Further selection will be referenced in the Washington County Inter-Agency Teams Tactical Negotiations Team Operations Manual.

407.6 MANAGEMENT/SUPERVISION OF TNT

The Commanders of the Tactical Negotiations Team shall be selected by the chief executive officer of the agency that holds primary responsibility for the particular unit, upon recommendation of staff of that agency and all partner agencies.

407.6.1 TNT SUPERVISORS

The TNT will be supervised by a Sergeant or Sergeants.

The team supervisors shall be selected by the chief executive officer of the lead agency for each team upon specific recommendation by staff and the team Commanders.

The TNT supervisor's primary responsibility is to supervise the operations of TNT, which will include deployment, training, first line participation, and other duties as directed by the TNT Commander.

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Crisis Negotiation Unit (CNU)

408.1 PURPOSE AND SCOPE

The Crisis Negotiation Unit (CNU) is comprised of highly trained and skilled officers from various police agencies in Washington County. The CNU has been established to provide specialized support in handling critical field operations where intense negotiations and special methods are required.

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The operation and administration of the Washington County Crisis Negotiation Unit is vested in the Washington County Sheriff's Office as the accredited parent agency of this team.

Operation and administration of the Washington County Crisis Negotiation Unit details and policy are contained within the Washington County Inter-Agency Teams Crisis Negotiation Unit Operations Manual, herein referenced.

Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on-the-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 CRISIS NEGOTIATION UNIT DEFINED

Crisis Negotiation Unit: The Crisis Negotiation Unit is a designated unit of law enforcement officers and other trained professionals from agencies in Washington County specifically trained and equipped to work as a team and in coordination with other units to resolve critical incidents that involve specific negotiation and communication skills, including, but not limited to, hostage taking incidents and barricaded suspect incidents.

408.2 LEVELS OF CAPABILITY/TRAINING

It is the policy of the Tualatin Police Department to support the Washington County Crisis Negotiation Unit and, if feasible, maintain a member in the team and to provide the equipment, manpower, and training necessary to maintain that membership.

408.3 AGENCY POLICY

The following procedures serve as guidelines for the operational deployment of the Washington County Crisis Negotiation Unit (CNU). Generally, the Washington County Tactical Negotiations Team (TNT) and the Washington County Crisis Negotiation Unit (CNU) will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Unit, such as warrant service operations. This shall be at the discretion of the Incident Commander.

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408.3.1 POLICY CONSIDERATIONS

The supervisor in charge of the scene of a particular event will assess whether the Washington County Crisis Negotiation Unit should respond to the scene. Upon final determination by the Sergeant, he/she will cause notification of the CNU Commander.

408.3.2 ORGANIZATIONAL PROCEDURES

The following are examples of incidents which may result in the activation of the Crisis Negotiation Unit:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages are taken

(c) Cases of suicide threats

(d) Arrests of dangerous persons

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property

408.3.3 OPERATIONAL PROCEDURES

The Washington County Tactical Negotiations Team and Crisis Negotiation Unit, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

If it is anticipated that multi-jurisdictional tactical operations will regularly be conducted; multi-agency and multi-disciplinary tactical joint training exercises are encouraged.

Such protocols, agreements, MOU's and joint working and training relationships are the responsibility of the command element of the Washington County Tactical Negotiations Team and the Washington County Crisis Negotiation Unit.

408.3.4 MOBILIZATION OF CNU

The on-scene supervisor shall make a request to the Sergeant for the Crisis Negotiation Unit. The Sergeant shall then notify the CNU Commander. If unavailable, a team leader shall be notified. A current mobilization list shall be maintained by the Washington County Sheriff's Office by the CNU Commander. The Sergeant will then notify the Patrol Division Commander as soon as practical.

The Sergeant should advise the CNU Commander or Team Leader with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

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(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location of the command post and a safe approach to it

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The CNU Commander or Team Leader shall then call selected officers to respond.

408.3.5 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Negotiation Unit, similar to the procedure while awaiting the Tactical Negotiations Team, field personnel should, if safe, practical and sufficient resources exist, accomplish the following:

(a) Establish an inner and outer perimeter

(b) Establish a command post outside of the inner perimeter

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger

(e) Attempt to establish preliminary communication with the suspect. Once the CNU has arrived, all negotiations should generally be halted to allow the negotiators and TNT time to set up.

(f) Be prepared to brief the CNU Commander or Team Leader on the situation

(g) Plan for and stage anticipated resources

408.3.6 ON-SCENE CNU COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Negotiation Unit at the scene, the Incident Commander shall brief the CNU Commander and/or Team Leaders about the situation. Upon review, it will be the Incident Commander's decision, with input from the CNU Commander or Team Leader, whether to deploy the Crisis Negotiation Unit. Once the Incident Commander authorizes deployment, the CNU Commander will be responsible for the tactical portion of the negotiations operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Negotiation Unit. The Incident Commander and the CNU Commander (or his/her designee) shall maintain communications at all times.

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408.3.7 COMMUNICATION WITH CNU PERSONNEL
All of those persons who are non-CNU personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with CNU personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Unit Leader or his/her designee.

408.4 TRAINING NEEDS ASSESSMENT

Reference the Washington County Inter-Agency Teams Crisis Negotiation Unit Operations Manual.

408.4.1 INITIAL TRAINING
When openings are announced for positions on the Washington County Crisis Negotiation Unit and the Tualatin Police Department has adequate personnel to support an additional position on the team, that opening will be announced pursuant to the procedure for all "Special Assignments" within the department.

Further selection will be referenced in the Washington County Inter-Agency Teams Crisis Negotiation Unit Operations Manual.

408.4.2 UPDATED TRAINING
Reference the Washington County Inter-Agency Teams Crisis Negotiation Unit Operations Manual.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

The Commanders of the Crisis Negotiation Unit shall be selected by the chief executive officer of the agency that holds primary responsibility for the particular unit, upon recommendation of staff of that agency and all partner agencies.

408.5.1 ON-SCENE DETERMINATION
The CNU will be supervised by a Sergeant or Sergeants.

The team supervisors shall be selected by the chief executive officer of the lead agency for each team upon specific recommendation by the staff and the team Commanders.

The CNU supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Unit, which will include deployment, training, first line participation, and other duties as directed by the CNU Commander.

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Mobile Response Team (MRT)

409.1 PURPOSE AND SCOPE

The Tualatin-Sherwood Mobile Response Team (T/S-MRT) provides a high profile tactical response to effectively deal with instances of civil unrest, disturbance or other issues at the specific direction of Joint Command.

409.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

Operation and administration of the Tualatin-Sherwood Mobile Response Team lies jointly with the command elements of the Tualatin Police Department and the Sherwood Police Department and is outlined in following sections.

Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on-the-scene decision-making as required. The Administrative Porcedures, however, are more restrictive and few exceptions should be taken.

409.1.2 DEFINITIONS

Mobile Response Team: The Mobile Response Team is a designated unit of law enforcement officers from agencies in Washington County and specific to the Tualatin Police Department, members of the Tualatin Police Department and the Sherwood Police Department, specifically trained and equipped to work as a team in coordination with other units to resolve critical instances of civil disturbance or disorder, crowd control, terrorist acts and instances of the use of weapons of mass destruction.

Civil Disturbance: An UNLAWFUL assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property or other unlawful acts.

409.2 AGENCY POLICY

To effectively respond to civil disturbance and other like situations, the Tualatin Police Department and the Sherwood Police Department join in the formation of a multi-agency, specially trained, regional response team.

409.3 MOBILE RESPONSE TEAM OPERATIONS

The Tualatin Police Department and the Sherwood Police Department will jointly maintain a "Mobile Response Team" (hereafter referred to as the T/S-MRT). The T/S-MRT will provide a tactical response to effectively deal with civil unrest or disturbance or other situations at the specific direction of its joint command. These responses will be directed both locally and on a larger, regional basis. The T/S-MRT may be requested when civil unrest has escalated or is likely to escalate beyond the capabilities of the patrol divisions of either department, or at the request of another agency within the greater Portland Mutual Aid Agreement area or the larger region.

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409.3.1 COMPOSITION OF THE T/S-MRT

The T/S-MRT consists of its Joint Commanders, the Squad Leader, and members chosen from the Tualatin and Sherwood Police Departments.

409.3.2 ACTIVATION OF THE T/S-MRT

A request for activation of the T/S-MRT will be made from the requesting Chief of Police to the Chief of Police of Tualatin (per Intergovernmental Agreement). Requests by outside agencies will be made through the Chief of Police of Tualatin and/or Sherwood. The Chief of Police making the request should provide, at a minimum, the following information:

(a) Contact name, agency and immediate contact phone number

(b) A thorough description of the incident or event, including as much information as possible

(c) The type of assistance needed

(d) A copy of the agency's operational plan for the incident or event

(e) A secure location for staging the T/S-MRT

Upon granting authorization, the Joint Commanders will initiate a team call-out. The T/S-MRT Squad Leader will re-contact the requestor and provide response information to include estimated time of T/S-MRT arrival. T/S-MRT members will respond to the Tualatin Police Department or other designated location as soon as possible. Based upon the circumstances of the incident/event, or at the request of the requesting agency, the T/S-MRT Commanders or Squad Leader will determine if an alternate uniform is to be worn at any time during the operation.

When a response is initiated, the Squad Leader will make an assessment about the potential to employ tactical munitions (i.e., CS gas, etc.), and inform the Joint Commander(s) and/or host agency Commander. As the incident develops, it is dependent on the Squad Leader to keep the Joint Commander(s) or host agency Commander informed about the potential to employ such munitions. The decision to employ such munitions shall be made by the Joint Commander(s) or the host agency Commander, except in rapidly developing circumstances that put personnel or civilians at imminent risk if such munitions are not promptly utilized.

409.3.3 T/S-MRT CHAIN OF COMMAND AND RESPONSIBILITY

The Patrol Division Commander of the Tualatin Police Department and the Commander of the Sherwood Police Department will be responsible for joint overall command of the T/S-MRT and the strategic direction of the T/S-MRT. The Commanders will be responsible for designating a Sergeant as the T/S-MRT Squad Leader.

The Squad Leader will be responsible for the tactical operations of the T/S-MRT to include deployment of tactical munitions, squad movement and deployment, and is directly in charge of the T/S-MRT as its supervisor.

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The Squad Leader will designate another member of the T/S-MRT as Assistant Squad Leader. The Assistant Squad Leader will act as Squad Leader in the actual Squad Leader's absence and as the Squad Leader's aid.

409.3.4 T/S-MRT TEAM MEMBER SELECTION

Members of the T/S-MRT will be selected from qualified applicants on the same general basis as any other Tualatin Police Department special assignment. At the time of an opening on the team, those interested in applying must be certified police officers and in good physical condition (able to fulfill the physical duties of the position at all times). Interested members will submit, in writing, an application to include a resume of their police experience. Prospective members will be subjected to an oral interview by a board to include (but not be limited to) the Patrol Commander of the Tualatin Police Department, the Commander of the Sherwood Police Department and the Squad Leader of the T/S-MRT. Following successful completion of the interview, applicants will be subjected to a standard physical fitness test of a 1.5 mile run (timed under 16 minutes) and 60 second sit-up and 60 second push-up tests (minimum 30 each). Following successful completion of the physical agility test, the Squad Leader will conduct a background investigation to include interviews with the applicant's supervisors and peers.

409.3.5 T/S-MRT TRAINING

Prior to any deployment, new members of the T/S-MRT will receive initial training from among the Squad Leaders and Commanders of the elements of the Westside Interagency Mobile Response Team, including donning and doffing all equipment, use of force, crowd dynamics, specialized munitions and response to weapons of mass destruction.

The T/S-MRT will participate in regular refresher training and other such training and practical exercises that become available in order to maintain and enhance team skills.

The command element of the T/S-MRT will conduct continuing training needs assessments and will arrange for any necessary or advised training as soon as practical.

409.3.6 T/S-MRT EQUIPMENT

T/S-MRT members should be adequately equipped to meet the specific mission(s) identified by the team and the host agency of the event.

409.3.7 T/S-MRT USE OF FORCE

Members of the T/S-MRT shall comply with all aspects of Tualatin Police Use of Force outlined in Policy Manual § 300 and with all aspects of the Sherwood Police Use of Force Policy. Members will also be specially trained in the use of the following systems:

(a) **42 inch "long" batons**: All members will be issued and carry 42" batons, known collectively as "long batons". Members will receive training in the use of "long batons" under normal and special crowd control circumstances. The use of these batons will not differ from the use of ASP and other batons used by members of either the Tualatin Police Department or Sherwood Police Department.

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(b) **Chemical Munitions:** Specially trained members, hereafter known as "Grenadiers" will have the capacity to deploy special chemical munitions under extreme circumstances. These chemical munitions will consist of "CS" (Orthochlorbenzylmalonnitrile); "OC" (Oleoresin Capsicum); and "AN" (White Smoke - Anthraquinone, also known as "Safe Smoke"). These munitions may be deployed via hand-launched grenades, 37mm or 40mm shoulder fired grenades or through hand-held spray devices. Chemical munitions, by their nature, may be deployed against specific threats, or against broad threat areas, not specifying any individuals. The use of chemical munitions will be strictly regulated by the Commanders of the T/S-MRT and the Squad Leader, and will only be deployed when specifically authorized by the agency of jurisdiction or to effect tactical withdrawl under extreme circumstances. T/S-MRT will maintain an accurate inventory of all chemical munitions and will cycle those munitions as directed by OSHA and the manufacturer (5 years at the writing of this document).

(c) **Extended Range Impact Weapon**: Trained members may carry and deploy Extended Range Impact Weapons pursuant with that directive in a specific effort to arrest a specific threat. The Extended Range Impact Weapon will not be used in a non-specific crowd dispersal fashion. The Extended Range Impact Weapon will only be deployed with the prior authorization of the agency of jurisdiction and with the approval of the T/S-MRT Commanders and under the supervision of the T/S-MRT Squad Leader.

(d) **Pepperball System**: Specially trained members may carry and deploy the Pepperball System pursuant with that directive in a specific effort to arrest a specific threat. The Extended Range Impact Weapon will not be used in a non-specific crowd dispersal fashion. The Pepperball System will only be deployed with the prior authorization of the agency of jurisdiction and with the approval of the T/S-MRT Commanders and under the supervision of the T/S-MRT Squad Leader.

(e) **M26 or XM26 Air Taser**: Specially trained members may carry and deploy the M26 or XM26 Air Taser System pursuant to Policy § 309. The Taser will not be used in a non-specific crowd dispersal fashion. The Taser will only be deployed with the prior authorization of the agency of jurisdiction and with the approval of the T/S-MRT Commanders and under the supervision of the T/S-MRT Squad Leader.

409.3.8 T/S-MRT AFTER-ACTION RESPONSIBILITIES

The T/S-MRT Squad Leader will complete an after-action report and submit it to the T/S-MRT Commanders. The T/S-MRT Joint Commanders will review the Squad Leader's report and send their own report to their respective Chief of Police.

After-action reports contain sensitive tactical information that, if released to the general public, could jeopardize future operations and the safety of team members. Therefore, there will be no public distribution of these reports, nor will they be placed in any case file or forwarded to any

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agency without the specific approval of the Chief of the Tualatin Police Department and the Chief of the Sherwood Police Department.

If a member of T/S-MRT uses force during the arrest of a person, that member will submit a standard "Use of Force Report". In the event that a member uses force and no arrest is made and the person cannot be located and/or identified, that force will be documented as a part of the T/S-MRT Team Leader's after-action report.

In the event that non-specific force is used in the form of deployment of tactical crowd munitions such as chemical munitions or other munitions, and no individual is arrested based on that application, the deployment of munitions will be documented in the T/S-MRT Team Leader's after-action report.

409.4 MOBILE RESPONSE TEAM DEPLOYMENT VEHICLE POLICY

To expedite the deployment of the T/S-MRT, the team will have available a specially equipped vehicle for rapid insertion and deployment.

409.4.1 T/S-MRT DEPLOYMENT VEHICLE SPECIFICATIONS

The Tualatin Police Department has a 1986 Chevrolet four-wheel drive pick-up truck, painted in the black and white scheme and marked with the Tualatin Police door and rear markings. This vehicle has been equipped with commonly accepted red and blue police lighting, a radio and a loud-speaker.

In addition, this vehicle has been specially equipped with removable steel running boards, a standard aluminum canopy and a special steel hand-rail.

The mentioned running boards are made of extruded metal for a non-slip surface, are secured to the vehicle by receiver hitches and run down both sides of the vehicle from behind the doors and around the rear of the vehicle. the hand-rail has been secured to the bed of the vehicle and mirrors the placement of the running boards.

In the future, this vehicle may be replaced by another specially equipped and/or designed vehicle, for the use of the T/S-MRT.

409.4.2 T/S-MRT DEPLOYMENT VEHICLE PROCEDURES

This vehicle may be used by members of the T/S-MRT who have been initially trained in the use of this vehicle or other similarly equipped deployment vehicles.

T/S-MRT members and members of other trained teams, will mount the running boards, in numbers not to exceed 18, on the exterior of the vehicle. Members will be distributed as evenly as possible on the running boards so as to maintain stability. Members will secure themselves by grasping the handrail, with two hands whenever possible, until such time as the team is delivered to their deployment zone.

At the point the team is delivered to their deployment zone and the vehicle has come to a complete stop, at the command of the Squad Leader, the team will dismount from the vehicle and deploy appropriately.

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The T/S-MRT Deployment Vehicle will be operated by a sworn police officer or sworn reserve police officer who has been briefed and trained on the operation of the vehicle, to include: extreme stable driving, following distances, gradual slowing, stopping, and speed control.

The maximum speed of the T/S-MRT Deployment Vehicle, with team members mounted, shall be no faster than 25 miles per hour, except under circumstances of extreme emergency.

Procedures in the event of falling from the T/S-MRT Deployment Vehicle while the vehicle is in motion shall be as follows:

- The member shall assume a "tuck and roll" position, with the arms, shoulders, head and legs tucked in towards the center of the body.
- The member will make every effort to clear the vehicle with all parts of his/her body.
- At the point of contact with the ground, the member will initiate a "roll", to dissipate the impact and utilize the safety equipment being worn.

T/S-MRT members will be briefed and trained in the use of the T/S-MRT Deployment Vehicle on a regular basis.

409.5 MANAGEMENT/SUPERVISION OF T/S-MRT

The Commanders of the T/S-MRT shall be selected by the cheif executive officer of the agency that holds primary responsibility for the particular unit, upon recommendation of staff of that agency and all partner agencies.

409.5.1 TEAM SUPERVISORS

The T/S-MRT will be supervised by a Sergeant or Sergeants.

The team supervisors shall be selected by the chief executive officer of the lead agency for the team upon specific recommendation by staff and the Team Commanders.

The T/S-MRT supervisor's primary responsibility is to supervise the operations of the T/S-MRT, which will include deployment, training, first line participation, and other duties as directed by the T/S-MRT Commander.

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Ride-Alongs

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Tualatin Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under the age of 18-years
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions established by the Patrol Divison Commander or the on-duty Sergeant. The ride-along times are from 6:00 a.m. to 2:00 a.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander or Shift Supervisor.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Oregon driver’s license, address, and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Patrol Supervisor will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Patrol Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, non-sworn ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Officer's family members, Chaplains, Reserves, police applicants, and all others with prior approval of the Patrol Division Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Officers taking non-sworn riders shall have completed their probationary period.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Patrol Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check will include a local records check, and inquiries to the National Crime Information Center (NCIC), Computerized Criminal History (CCH), and a Department of Motor Vehicles (DMV) records checks via the Law Enforcement Data System (LEDS) prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Tualatin Police Department). The printed inquiry responses will be attached to the request and forwarded to the on-duty Patrol Sergeant who will approve or disapprove the ride-along and schedule the appointment.

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the officer may submit a memorandum to the Patrol Sergeant with any comments which may be offered regarding the rider or the ride-along. The Patrol Sergant should attach the memorandum to the ride-along request form to be filed with the Department Office Coordinator for future reference.

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410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. The following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed. See Oregon Revised Statutes 453.005(7) for a complete list.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting, or material safety data sheets).

(b) Notify Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of immediate area and surrounding areas dependent on substance.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

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The employee or employees supervisor if the employee is unable, will complete a Workers Compensation form if an injury is diagnosed Oregon Revised Statutes 656.265. If an injury is not apparent but exposure to a hazardous substance is possible, the employee will complete an incident report indicating the circumstances of the event and the potential of an exposure.

In addition to this policy, all employees should be familiar with and follow the direction contianed in City of Tualatin Personnel Policy #32-96, "HAZARD COMMUNICATION POLICY".

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker.

414.2 POLICY

It is the policy of the Tualatin Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

A supervisor who has probable cause to believe that a hostage is being held may order a telephone company to cut, reroute or divert telephone lines to prevent a suspect from communicating with anyone other than officers or other designated individuals (ORS 165.549).

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414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Tactical Negotiations Team (TNT) response if appropriate and apprising the TNT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the TNT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the TNT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the TNT.

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The Incident Commander and the TNT Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response toincidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the location of the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Shift Supervisor, including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

(h) Explosive or military ordnance of any type should be handled only by the certified Explosives Disposal Unit or military ordnance disposal team.

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416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or additional damage by resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Emergency Medical assistance

(c) Explosive Disposal Unit

(d) Additional field officers

(e) Shift Supervisor

(f) Division Commander or Chief of Police

(g) Detectives

(h) Forensic Science Services

416.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

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416.3.3 SCENE OF INCIDENT
As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

416.4 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure shall be followed should a bomb threat call be received at the police facility.

416.4.1 BOMB THREATS RECEIVED BY TELEPHONE
The following questions should be asked if a bomb threat is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

416.4.2 RESPONSIBILITIES
The employee handling the call shall ensure that the Shift Supervisor or OIC is immediately advised and fully informed of the details. The Shift Supervisor or OIC will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate. The Sergeant or OIC will notify Command Staff as soon as practical.

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Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORS 426.228).

418.2 POLICY

It is the policy of the Tualatin Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 AUTHORITY

An officer may take a person into custody when the officer has probable cause to believe the person is dangerous to him/herself or to any other person and is in need of immediate care, custody or treatment for mental illness (ORS 426.228(1)).

An officer shall also take a person into custody at the direction of the community mental health program director when the director has probable cause to believe the person is imminently dangerous to him/herself or to another person. The director is mandated to prepare a report for the officer to deliver to the treating licensed independent practitioner (ORS 426.228(2)).

The officer shall transport the person in custody to the nearest facility approved by the Oregon Health Authority (OHA) or will transfer custody of the person to a mental health representative authorized under ORS 426.233(3).

If, upon delivery of the person to the facility, the licensed independent practitioner finds the person is not in need of emergency care or treatment for mental illness, the person is to be released from custody. The officer or the program director shall return the person to the place where he/she was taken into custody, unless the person declines that service.

418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

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418.3.2 EXTREMELY DANGEROUS PERSONS

An officer may take into custody an individual on conditional release from a state hospital pursuant to an order of revocation. The written order does not have to be in the possession of the officer, and may be confirmed through the Law Enforcement Data System (LEDS) (OAR 859-200-0310).

A person may be taken into custody if all of the following conditions apply (OAR 859-200-0305):

(a) An officer has reasonable cause to believe the individual is an extremely dangerous person with a mental illness (as defined by OAR 859-200-0020)

(b) The person presents a serious danger to others because of a mental disorder

(c) The person is in need of immediate care, custody or treatment

(d) The person has been civilly committed to the jurisdiction of the Psychiatric Security Review Board by a court

The officer shall transport the individual to a state hospital operated by the Oregon Health Authority (OAR 859-200-0310).

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions (e.g., information from LEDS).

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

418.4.1 FOREIGN NATIONALS

If an officer takes a person into custody for a civil commitment and reasonably suspects that the person is a foreign national, the officer shall inform the person of his/her right to communicate with an official from the consulate of the person's country (ORS 426.228(9)).

418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Patrol Sergeant approval is required before transport commences.

418.5.1 CLEARANCE REQUIRED

If transportation to an appropriate facility will require more than one hour to accomplish, the transporting officer must obtain, if possible, medical clearance from an attending physician who has examined the person within the last 24 hours who certifies that the person is in need of immediate care or treatment for mental illness and that travel will not be detrimental to the person's physical health (ORS 426.228(3)).

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.7.1 REQUIREMENTS

Officers shall use OHA form MHD 426.228 or otherwise ensure that the report states (ORS 426.228):

(a) The reason for custody.

(b) The date, time and place the person was taken into custody.

(c) The name and telephone number of the community mental health director.

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

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When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to the jail facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

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Citation Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Tualatin Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

420.2 RELEASE

A suspected offender may be released on issuance of a criminal citation if the officer has probable cause to believe that the person has committed a misdemeanor or has committed any felony that is subject to misdemeanor treatment under ORS 161.705 (reduction of certain felonies to misdemeanors) (ORS 133.055).

420.2.1 CITATION RELEASES ON WARRANTS

If the offense is not excluded under ORS 133.055, the court may authorize an officer to issue and serve a criminal citation in lieu of arrest (ORS 133.110).

420.3 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

(a) The officer has probable cause to believe that the person has been served a valid restraining order as described in ORS 133.310 (orders relating to stalking, elder and disability abuse, sexual abuse) and the person has violated the terms of the order (ORS 133.310).

(b) The officer has probable cause to believe that the person has been charged with an offense under ORS 135.230 through ORS 135.290 (sexual offenses, domestic violence, methamphetamine crimes), and is presently released and has failed to comply with a no contact condition to the release agreement (ORS 133.310).

(c) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others (release may occur as soon as this condition no longer exists).

1. Any officer encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to him/herself or to any other person, shall transport the individual to the nearest appropriate treatment facility or sobering facility (ORS 430.399).

See the Domestic Violence Policy for release restrictions related to those investigations.

420.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.

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(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

420.5 POLICY

The Tualatin Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

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Body-Worn Cameras

421.1 PURPOSE AND SCOPE

Body-worn cameras (BWC) are an effective law enforcement tool that can enhance the understanding of interactions between officers and the public. Body-worn cameras provide additional documentation of police-public encounters and can be an important tool for collecting evidence and maintaining public trust.

421.2 DEFINITIONS

Body-worn cameras - camera systems designed to be worn by police officers to capture Digital Multimedia Evidence (DME).

Digital Multimedia Evidence (DME) - DME consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.

Metadata - includes any digital identifiers that are captured as part of the actual recording (e.g., date/time, GPS coordinates, incident category, etc.), plus data entered by the officer.

Activate - to cause a video or audio recording to be made through a body-worn camera system.

421.3 POLICY

This policy is intended to provide officers direction on when and how to use body-worn cameras. Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited without the written approval of the Chief of Police or authorized designee.

This policy does not apply to lawful surreptitious audio/video recording interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Use of Audio Recorders policies).

421.4 MEMBER RESPONSIBILITIES

(a) BWCs shall be worn by all officers and supervisors working a uniformed assignment in patrol operations. Patrol operations include the Traffic Safety Division and K9 Unit. School Resource Officers (SROs) and the SRO supervisor shall also wear BWCs.

(b) Other uniformed personnel not assigned to the patrol division or SRO program may wear a BWC if approved by the Chief of Police or authorized designee. Any sworn member who does not routinely wear a BWC will check with the on-duty supervisor for availability of a BWC.

(c) Prior to using a body-worn camera, officers shall receive department-approved training on the proper operation and care and the department's policy with respect to the use of the body-worn camera. Training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

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(d) Officers shall wear body-worn cameras on the torso and in a position designed to produce an effective recording. Motorcycle officers may wear the department-approved alternative style body-worn camera equipment above the torso or as otherwise directed.

(e) Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning (including a fully charged battery), and shall notify their supervisor of any problems. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned.

(f) Officers shall only use BWC equipment issued by the department. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the BWC. No personally-owned body-worn cameras shall be used.

(g) In the event that a body-worn camera is lost, upon discovery, the officer shall immediately notify his/her supervisor.

(h) Officers shall only use body-worn cameras in conjunction with official department duties.

421.5 SUPERVISORY RESPONSIBILITIES

Supervisors shall ensure officers are equipped with BWC devices prior to taking calls for service. Supervisors may review a sampling of officers BWC recordings to ensure the equipment is functioning properly and officers are using devices in accordance with policy, and to identify any areas which require additional training or guidance. It is not the intent of the department to review recordings for the purpose of general performance review, or to discover policy violations.

If during a BWC review a supervisor inadvertently discovers a policy violation, and depending on the type of policy violation, the supervisor will either initiate a performance discussion with the involved member or initiate a professional standards review.

421.6 OPERATION

421.6.1 ACTIVATION

Body-worn cameras shall be worn in the "on" buffering mode (but not activated) during routine field operations, except those circumstances where recording is already prohibited.

Unless there are exigent circumstances or concerns for the safety of the member or any other person, or otherwise provided in this policy, body-worn cameras shall be activated whenever the officer has or develops reasonable suspicion or probable cause that an offense has been or will be committed by a person in contact with the member (ORS 133.741).

BWCs shall be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations.

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.

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(c) Self-initiated activity in which a member would normally notify dispatch.

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(e) When a person is in custody or being detained. (This includes detentions in handcuffs while investigating whether or not a crime(s) has occurred.)

BWCs should be activated in the following situations:

(a) Transport of a person not in custody.

(b) Any time the member believes it would be appropriate or valuable to record an incident.

At no time is a member expected to jeopardize his/her safety in order to activate the equipment. The BWC should, however, be activated in situations described above as soon as practicable.

If an officer fails to activate the camera upon initial contact, the officer should verbally record the reason on the BWC recording once the BWC recording is activated, and the officer will document the reason for the activation anomaly in their report narrative.

421.6.2 NOTIFICATION OF RECORDINGS

Members shall announce at the beginning of an interaction (or as soon as practicable) that the conversation is being recorded. This notification should be included in the recording when possible. Exceptions can be made when the announcement may impair a criminal investigation or jeopardize officer safety or the safety of any other person. Exceptions also apply to situations, such as a public meeting or rally. (ORS 133.741; ORS 165.540(2) through (7) and ORS 133.726).

421.6.3 PRIVACY CONSIDERATIONS

Community members do not have a reasonable expectation of privacy when talking with a police officer during the scope of the officer's official duties, even when contact occurs in a private residence. However, members should remain sensitive to the dignity of all individuals being recorded and exercise discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Examples and situations include, but are not limited to:

(a) A witness or victim who wishes to remain anonymous or refuses to provide a statement, if recorded, and the encounter is non-confrontational

(b) Recordings that would jeopardize safety planning for victims

(c) Recordings that would disclose private security measures of residences or businesses

(d) Recordings that would interfere with the ability to conduct an investigation due to sensitive circumstances (e.g., nudity, presence of child pornography)

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording. The request to turn the body-worn camera off should be recorded, as well as the officer's response, and included in the report narrative.

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421.6.4 JUVENILES

It is recognized that recordings of juvenile offenders will occur by the use of body-worn cameras when officers are responding to calls for service or during the course of an investigation. Officers shall protect recordings of juveniles captured with the body-worn cameras the same as still photographs of juveniles. If an officer has a need to use body-worn camera recordings of juvenile offenders as part of an investigation, the officer shall comply with state or any other applicable law.

421.6.5 DEACTIVATION

Officers shall continue recording until they announce on camera that they are deactivating their BWC. Deactivation of the body-worn camera shall occur when:

(a) The event has concluded. An incident is considered complete when a reasonable person would consider the incident to have reached a logical ending.

(b) Victim and/or witness contact has concluded.

(c) All persons stopped have been released.

(d) An arrestee has been placed into a vehicle to be transported to a detention facility.

1. At the option of the officer who has an arrestee in their vehicle, the officer may choose to keep the officer's body-worn camera activated until custody of the arrestee is transferred to the detention facility.

(e) In an extended situation where the officer has reason to believe there is no value in collecting further data (e.g., traffic control at a crash scene).

(f) Technical difficulties render the system inoperable.

If the BWC is deactivated prior to the completion of an event, the officer shall verbally record the reason on the recording and document the reason in the report narrative.

421.6.6 MUTE FEATURE

Officers may use the mute feature on their BWC in lieu of deactivating the camera. The purpose of the mute feature is to maintain the continuation of a video recording while temporarily pausing the audio recording. The mute feature shall only be used in the following circumstances to protect confidential and sensitive information:

(a) Confidentiality of law enforcement conversations during tactical situations.

(b) Confidentiality of administrative conversations between supervisors, officers, and/or recruits during calls for service. Examples include, but are not limited to:

1. Police tactics
2. Department policy
3. Legal considerations
4. Sensitive training discussions

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421.6.7 RECORDING RESTRICTIONS

Officers should restrict recording to areas and persons necessary in order to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved.

Body-worn cameras shall not be intentionally used in the following circumstances:

(a) Interviews with child abuse victims.

(b) Interviews with sexual assault victims.

(c) In any location where individuals have a reasonable expectation of privacy, such as a restroom, break room, or fitness room.

(d) When an officer would be recording a patient during a medical, healthcare provider or psychological evaluation by a clinician or similar healthcare professional, or during treatment. When recording in hospitals or other healthcare facilities, officers shall be careful to avoid recording persons other than the suspect or witnesses that are deemed relevant to the matter being investigated by the officer.

(e) Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

(f) Encounters with undercover officers or confidential informants.

(g) When an officer is engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, clergy, healthcare provider, etc.).

(h) Casual communications with other police personnel.

(i) When an officer is on break or is otherwise engaged in personal activities.

(j) Inside the police facilities during roll calls, briefings and/or incident debriefings, in-service training, and/or departmental meetings.

(k) Places of worship and/or religious ceremonies.

(l) Community policing activities.

421.6.8 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

421.6.9 DOWNLOADING AND TAGGING VIDEO

When practical, all files from body-worn cameras shall be securely downloaded no later than the end of the officer's on-duty work shift. Each file shall be categorized, tagged, and contain information related to the date, body-worn camera identifier, assigned officer, and case number.

Members should flag any incident in which all or some of the recorded data should not be released due to its sensitive nature (e.g., sensitive intelligence data, revealing identity of confidential

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informant, a victim advocate is recorded, sensitive victim cases) or of any recorded incident which might be valuable for training purposes.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

421.7 REPORTING REQUIREMENTS

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the body-worn camera was not activated, the equipment malfunctioned, or the member deactivated the recording.

421.8 REVIEW AND USE OF RECORDINGS

421.8.1 OFFICERS

Officers are allowed to review the recordings from their body-worn cameras. To help ensure accuracy and consistency, officers are encouraged to review recordings as a resource prior to preparing reports, preparing to make or give a statement about their BWC recorded activities and/or testifying in any forum. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Prior to testifying in a court case where recorded data will be offered as evidence, officers are encouraged to review the recording.

Officers shall not edit, alter, erase, duplicate, copy, share (other than individuals with a right to know), or otherwise distribute in any manner body-worn camera images and information. Requests for any of these shall be made through the System Administrator, Chief of Police, or the authorized designee.

(a) Officers will not take "screen shots" or make any reproduction of any video or audio content unless approved by the Chief of Police or authorized designee.

(b) Viewing of DME shall be limited only to individuals on a right to know basis and only for the purpose of processing a case or when related to department matter.

421.8.2 ADMINISTRATIVE INVESTIGATIONS

Supervisors and Professional Standards personnel, and legal representatives of employees subject to professional standards investigations, may access DME for administrative investigations and reviews. The scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.

Audio and video recordings from body-worn cameras may be viewed by an involved employee and/or their legal representative during their representation of an employee. Copies of audio and/or video recording associated with the legal representation matter will be provided to an

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involved employee and/or their legal representative during their representation of an employee in accordance with the collective bargaining agreement and/or as allowed by law.

421.8.3 INVESTIGATIONS DIVISION

The Investigations supervisor may review DME relevant to an investigation being conducted. The Investigations supervisor may also authorize a detective to review DME relevant to that detective's investigation.

421.8.4 TRAINING

Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case or administrative case. All such use shall be pursuant to the written authority of the Services Captain.

Officers shall be provided with at least 14 days written notice if recordings intended for use for training purposes were either made by them or captured their image or voice. If an involved employee/individual objects to the release of the video, a determination of whether or not to release the video will be made by the Chief of Police or authorized designee.

421.8.5 OTHER REQUESTS

Recorded files may also be viewed:

(a) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(b) By media personnel with permission of the Chief of Police or the authorized designee.

(c) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release policy.

(d) Video may be shown to and/or viewed by members of the public when appropriate and for legitimate police purposes with supervisory approval or by supervisory personnel (e.g., complaint reviews or parental requests of their minor children on video).

All recordings shall be reviewed by the Records Supervisor or authorized designee prior to public release (see the Records Release/Public Information Requests section of this policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Except as set forth in this policy, or as allowed by state or federal law, non-department personnel shall not be allowed to review the recordings without the written consent of the Chief of Police or the authorized designee.

421.8.6 USE OF FORCE

If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:

(a) Have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and

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(b) Have the right to review recordings from other body-worn cameras capturing the officer's image or voice during the underlying incident and/or events that are the subject of the investigation.

421.9 CRITICAL INCIDENTS

Following an officer-involved shooting, use of deadly force, or other critical incident, and when safe and practical to do so:

(a) Body-worn cameras will be collected by the on-scene sergeant or officer in charge (OIC) and will be immediately powered off to prevent viewing or uploading.

(b) Sergeants and officers will only review the BWC video when exigent circumstances exist, such as an officer being injured or in order to obtain identifying suspect information or other pertinent information.

(c) Involved officers' cameras will be turned over to the County Major Crimes Team (MCT) for processing. If the involved officers are Tualatin officers wearing a body-worn camera, the MCT coordinator will work with Tualatin Police Department's Body-worn Camera System Administrator or authorized designee to download any body-worn camera video pertaining to the incident.

(d) Any body-worn camera videos that contain video of a critical incident or officer-involved shooting shall be immediately categorized as "restricted" by the System Administrator once the video is downloaded.

(e) The MCT Coordinator will work with the System Administrator to provide software access to MCT detectives so they are able to review the video(s).

(f) Officers involved in a shooting will have the opportunity to review only their video before giving a formal statement to the MCT. The MCT and Tualatin Police Officer's Association (TPOA) will coordinate an appropriate time for involved officers to view the video.

421.10 HANDLING OF DIGITAL MEDIA EVIDENCE

(a) Department-owned body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the department. The personal use of information recorded by body-worn cameras shall only be used with the written approval of the Chief of Police or authorized designee.

(b) The Records Supervisor and/or the Property and Evidence Technician will be the System Administrator(s) for the data storage system. All access and activity on the data storage system is logged and subject to audit at any time. Personnel authorized under this policy may only view data files according to the provisions of this policy or as designated by the System Administrator(s), the Chief of Police or authorized designee.

(c) Any contract with a third-party vendor for data storage of recordings from body-worn cameras must state that all recordings are the property of the Tualatin Police Department, not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the Tualatin Police Department (ORS 133.741).

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(d) All files will be stored and maintained in a secure department-approved location.

(e) Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (ORS 133.741).

421.11 RETENTION REQUIREMENTS

All files from body-worn cameras shall be securely stored in accordance with state records retention laws and will be purged after no longer useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim or pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

All recordings shall be retained for a period consistent with the requirements of the state's public records retention laws, but in no event for a period less than 180 days. Recordings no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (ORS 133.741).

The retention period begins from the date the body-worn camera recording was labeled or categorized. Department administrators, in addition to the recording officer, may label or categorize recordings for retention. Officers will periodically be directed by the System Administrator(s) or designee to label or categorize any DME which had not previously been labeled or categorized.

421.12 RECORDS RELEASE/PUBLIC INFORMATION REQUESTS

Any department member who receives a request for records shall route the request to the Records Supervisor or the authorized designee. (Refer to Policy 804 Records Maintenance and Release.) Such recordings may only be disclosed under the conditions provided under Oregon State Law (ORS 133.741) that includes the following guidelines related to BWC recorded data requests:

(a) The request must be for an event for which there is public interest.

(b) The request must be for an approximate time or event.

(c) The request must be tailored to the relevant video of the event.

(d) All faces must be rendered unidentifiable (blurred) prior to release.

A reasonable attempt will be made by the releasing person or designee to notify any involved employee(s) prior to release of the information. Officers shall be provided with at least seven (7) calendar days written notice of any public requests made to review DME from their body-worn cameras.

421.13 ANNUAL REVIEW

An evaluation of the Body-Worn Camera program and policy review will be conducted annually by the Body-worn Camera System Administrator or authorized designee.

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Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate our authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his or her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the US Department of State website.

422.1.1 DEFINITIONS

Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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422.3.1 DIPLOMATIC AGENTS
Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

422.3.2 CONSULAR OFFICERS
Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

422.3.3 HONORARY CONSULS
Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

422.4 IDENTIFICATION
All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION
Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have Oregon license plates with an "honorary consul"

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label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear

(c) The violator shall be provided with the appropriate copy of the notice to appear

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an

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individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext.. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Diplomatic Security Service

915 Second Avenue, Room 3410

Seattle, WA 98174

(206) 220-7721

(206) 220-7723 FAX

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and

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obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Patrol Sergeant/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

Officers may only arrest foreign nationals not claiming diplomatic or consular immunity under the following circumstances:

(a) There is a valid warrant issued for the person's arrest

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(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the United States.

Because undocumented presence is strictly a federal civil violation, it is only enforceable by federal officers therefore officers of this department shall not arrest foreign nationals solely for undocumented presence. Officers shall not stop or detain persons solely for determining immigration status.

422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact Dispatch as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Dispatch with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed by the US Department of State as requiring mandatory consular notification, officers shall provide Dispatch with the information above as soon as practical whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of mandatory notification countries and jurisdictions can be found on the US Department of State Website at www.state.gov.

422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/ detention and his/her claimed nationality.

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Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY

The Tualatin Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack and manage resources to maintain the capacity to respond to incidents in other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action when the situation warrants.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities at critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers at critical incident target sites.

424.6 TRAINING

The Training Coordinator should include rapid response to critical incidents in the training plan. This training should address:

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(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Tualatin Police Department relating to immigration and interacting with federal immigration officials.

428.2 POLICY

It is the policy of the Tualatin Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

428.4 DETENTIONS

This department does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

An officer should notify a supervisor as soon as practicable whenever an individual is being detained or arrested for a criminal immigration violation.

428.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

428.4.2 IMMIGRATION INQUIRIES PROHIBITED

An officer shall not inquire into an individual's immigration status, citizenship status, or country of birth except where allowed by law (ORS 181A.823).

428.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure individuals who are detained receive an explanation in writing, with interpretation into another language if requested, of the following (ORS 181A.823):

(a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.

(b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services (unrelated to immigration enforcement), such as peacekeeping efforts (ORS 181A.826).

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428.6.1 FEDERAL IMMIGRATION ENFORCEMENT REQUESTS AND DOCUMENTATION
Any requests from federal immigration officials for assistance relating to immigration enforcement (other than a judicial subpoena) shall be declined and the communication or request shall be documented. The documentation shall be forwarded to the Chief of Police or the authorized designee. The Chief of Police or the authorized designee should ensure the documentation is forwarded to the Oregon Criminal Justice Commission (OCJC) as prescribed by the OCJC (ORS 181A.826).

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; ORS 181A.823):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under Oregon State Law.

428.7.1 IMMIGRATION DETAINERS
No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

428.7.2 NON-DISCLOSURE OF CERTAIN INFORMATION
Except as required by state or federal law, members should not disclose for the purpose of enforcement of federal immigration laws the following information about a person or his/her known relatives or associates, whether current or otherwise (ORS 180.805):

(a) The person’s address

(b) The person’s workplace or hours of work

(c) The person’s school or school hours

(d) The person’s contact information, including telephone number, email address, or social media account information

(e) The identity of known associates or relatives of the person

(f) The date, time, or location of a person’s hearings, proceedings, or appointments with the Department that are not matters of public record

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Unit supervisor assigned to oversee the handling of any related case. The Detective Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

428.8.1 DENIAL OF CERTIFICATION

If certification is denied, the Detective Unit supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

428.8.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Detective Unit supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

428.9 TRAINING

The Training Coordinator should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by Dispatch.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Portland General Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies is maintained by Dispatch.

430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Tualatin contracts with Washington County to furnish maintenance for all traffic signals within the City, other than those maintained by the State of Oregon.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Officers have the responsibility to address any hazard caused by malfunction of any inoperative or malfunctioning signal.

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Aircraft Accidents

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

434.2 POLICY

It is the policy of the Tualatin Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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434.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

434.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Medical Examiner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

434.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

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(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the City of Tualatin shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of TuPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

434.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training and Evaluation Program

436.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Tualatin Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training and Evaluation Program, which complies with DPSST training requirements and that is designed to prepare the new officer to perform in a patrol assignment possessing necessary skills needed to operate in a safe, productive and professional manner.

436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of three years of patrol experience, one of which shall be with this department

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTO's

(f) Possess a DPSST Basic Certificate

Exceptions to the above may be approved by the Chief of Police.

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course.

All FTO's must complete a Field Training Officer update course every three years while assigned to the position of FTO.

436.3 FIELD TRAINING AND EVALUATION PROGRAM SUPERVISOR

The FTEP Supervisor will be selected from the rank of sergeant or above and shall possess a DPSST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

(a) Assignment of trainees to FTOs.

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(b) Conducting FTO meetings.

(c) Maintain and ensure FTO/Trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTEP Program.

(g) Maintain liaison with FTO Coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

436.3.1 FIELD TRAINING AND EVALUATION PROGRAM COMMANDER
The Field Training Commander will be selected by the Chief of Police from the rank of Captain and will hold the position of Department Training Coordinator.

436.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Tualatin Police Department.

436.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL
Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Tualatin Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Tualatin Police Department.

436.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

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(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Observation Report (DORs) with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Field Training Supervisor. They will also prepare bi-weekly supervisor's evaluations and forward them to the Field Training Supervisor, once the trainee has achieved solo status.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Supervisor will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor, bi-weekly supervisor evaluations, and End of Phase evaluations.

436.6.4 TRAINEE
The Patrol Division Commander will review and approve the Daily Observation Reports, bi-weekly supervisor evaluations, and End of Phase evaluations submitted by the Field Training Supervisor.

436.6.5 FIELD TRAINING COMMANDER DUTIES
The Field Training Commander will review and approve the Daily Observation Reports, bi-weekly supervisor evaluations, and End of Phase evaluations submitted by the Patrol Division Commander.

436.6.6 TRAINEE DUTIES
At the completion of the Field Training Program, the trainee shall submit a performance evaluation on each of their FTO's and on the Field Training and Evaluation Program.

436.7 DOCUMENTATION

All documentation of the Field Training and Evaluation Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports

(b) End of phase evaluations

(c) Supervisor's bi-weekly evaluations

(d) The completed Field Training Manual

(e) A Certificate of Completion certifying that the trainee has successfully completed the field training requirements

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Contacts and Temporary Detentions

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

439.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile/Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others (ORS 131.625).

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Stop - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion that the person has committed or is about to commit a crime (ORS 131.615).

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

439.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

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Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Tualatin Police Department to strengthen community involvement, community awareness, and problem identification.

439.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act or violation.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in the area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

439.3 FRISK OR PAT-DOWN SEARCHES

A frisk or pat-down search of a stopped person may be conducted whenever an officer reasonably believes that the person may possess a dangerous or deadly weapon and presents a danger to the officer or other persons present (ORS 131.625). The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

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439.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

439.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should document in his/her report that the subject voluntarily gave his/her consent.

439.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

439.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Patrol Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures

If a photograph is not associated with an investigation where a case number has been issued, the Patrol Sergeant should review it and forward the photograph to one of the following locations:

(a) If the photo and associated FI or documentation is relevant to criminal organization/ enterprise enforcement, the Patrol Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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439.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

439.5 POLICY

The Tualatin Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

439.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Tualatin Police Department appropriately utilizes criminal intelligence systems and temporary information filesto support investigations of criminal organizations and enterprises.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

441.2 POLICY

The Tualatin Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

441.2.1 CRIMINAL GANG

An ongoing organization, association, or group of three or more persons, whether formal or informal, who engage in criminal activity and who identify themselves with a color, number or other symbol. In addition to the above definition, the members of the gang must meet one of the following sets of criteria:

(a) The members conspire to commit, or have committed, crimes meeting at least one of the following:

1. As part of a pattern of street crimes which advance the suspected criminal gang's interest.
2. To attract attention to the suspected criminal gang or enhance its standing.
3. To benefit the suspected criminal gang.
4. To announce the existence of the suspected criminal gang, its members, or its territorial claim.
5. In response to the race, religion, sexual orientation, national origin, or gang association of the victim.

(b) The members of the suspected criminal gang meet at least three of the following criteria:

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1. Admit or assert to the police that they are affiliated with a criminal gang.
2. Participate in a gang initiation ritual or ceremony.
3. Have been identified as participating in a criminal gang by an out of state law enforcement agency.
4. Have announced to the police that they are willing to commit assaults, crimes, or make other sacrifices for the suspected criminal gang.
5. Have criminal gang tattoos.
6. Wear clothing or jewelry unique to the suspected criminal gang or use a hand sign or language that, due to context, clearly indicates association as a criminal gang.

441.2.2 GANG MEMBER OR ASSOCIATE

A gang member or associate is an individual who qualifies in one of the following four categories:

(a) A person can be designated as a gang member if there is reasonable suspicion that the subject has conspired to commit, or has committed, a crime in accordance with any one of the following:

1. As a part of a pattern of street crimes facilitated by the efforts of other gang affiliates which advance their interest.
2. To attract the attention of, or enhance his/her standing with, the criminal gang.
3. To benefit the criminal gang.
4. To announce the existence of the suspected criminal gang, its membership or its territorial claim.
5. In response to the race, color, religion, sexual orientation, national origin or gang association of the victim.

(b) Designation as a gang member requires two of the following criteria:

1. Subject has admitted or asserted to the police that he/she is affiliated with a criminal gang.
2. Subject has participated in a criminal gang initiation ritual or ceremony.
3. Subject has been identified as a gang member by an out of state law enforcement agency.
4. Subject has displayed knowledge of the gang's history, leadership, activities, or rituals in a context that clearly indicates affiliation with the criminal gang.
5. Subject has announced to the police that he/she is willing to commit crimes or make other sacrifices for the criminal gang.

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6. Subject has a criminal gang tattoo.
7. Subject repeatedly (twice or more) associates with known gang affiliates.
8. Subject wears clothes or jewelry unique to a gang or uses a hand sign or language that due to content or context clearly indicates affiliation with a criminal gang.

(c) Designation as a gang associate requires one of the following:

1. Subject's name appears on a gang activity report or other gang-related police report.
2. Subject is in a photograph with other people who collectively display criminal gang signs or apparel to exhibit solidarity.

(d) A gang associate may be so designated if, based on the training and experience of the officer, there is documented reasonable suspicion to believe the suspect is involved in a criminal gang.

(e) Combined with any other element from the above categories, documented reasonable suspicion based on the training and experience of the officer can be used to designate a subject as a gang member.

441.2.3 GANG INFORMATION OFFICER (LIAISON)

Person(s) responsible for gathering and compiling gang information for its submission to the Washington County Interagency Gang Enforcement Team (I.G.E.T.). I.G.E.T. will then forward the information to the Oregon Department of Justice (DOJ) criminal gang database using the Oregon Criminal Justice Intelligence Network (OCIN).

441.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

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441.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

441.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

441.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

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441.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

441.5 INFORMATION RECOGNITION

Officers should complete a report, as indicated below, for any of the following:

(a) Any contact with a previously documented gang member or associate based on an Oregon DOJ hit as a gang affiliate.

(b) Any contact with a person who meets the criteria above for documentation as a gang member or associate.

(c) Any criminal activity associated with persons either previously documented, or meeting the criteria for documentation, as a criminal gang member.

(d) Any incident of gang-related activities:

1. Graffiti
2. Fights
3. Thefts, robberies, drug distribution, extortion

(e) Contact with any vehicles believed to be related to gang activity or gang members or associates.

441.5.1 SPECIFIC INFORMATION TO GATHER

(a) Information required to determine eligibility for documentation as indicated in the definitions section, above.

(b) Photograph all graffiti.

(c) Attempt to photograph new gang related persons contacted, including tattoos if possible.

441.5.2 CONTACT OR INCIDENT REPORTING

(a) For reportable incidents and crimes use normal department procedures utilizing Incident, Custody or other appropriate department forms.

(b) Person contact (no crime/incident): FI card, Information Report or DOJ gang-related Submission Form.

(c) Non criminal gang information: FI card, Information Report or DOJ gang-related Submission Form.

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Crime or Information Reports will be processed through normal procedures and copies of reports will be forwarded to the Gang Information Officer. DOJ Gang Submission Forms may also be completed and forwarded to the Gang Information Officer.

441.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

441.7 CRIMINAL STREET GANGS

The Gang Liaison Officer should ensure that there are an appropriate number of department members who can:

(a) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(b) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

441.8 TRAINING

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Shift Supervisors

443.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each team.

443.2 DESIGNATION AS OFFICER IN CHARGE

When a Sergeant is unavailable for duty as Shift Supervisor, in most instances the senior qualified officer shall be designated as Officer in Charge, OIC. This policy does not preclude designating officers in charge with less seniority as an OIC when operational needs require or training permits.

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Mobile Data Terminal Use

447.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

447.2 POLICY

Tualatin Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

447.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

447.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Patrol Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

Any agency using a terminal to access the Law Enforcement Data System (LEDS), whether directly or through another agency, is responsible for adhering to all applicable LEDS rules and policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

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447.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

447.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

447.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

447.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Sergeant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

447.6 EQUIPMENT CONSIDERATIONS

447.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall

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be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

447.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Authorized Radio Codes

448.1 PURPOSE AND SCOPE

To ensure the use of plain English language in Radio communications.

448.2 POLICY

The Tualatin Police Department will only use necessary authorized radio codes and plain language.

In conjuction with Washington County Consolidated Communications Agency policy; during times of declared emergencies and multi-agency/jurisdictional events, neither "10 codes" nor agency specific codes are to be used and only plain language will be used by dispatchers and field units.

"Plain Language" will have its face-value meaning. Field users and dispatchers will not use "jargon"or mnemonics and will only use phrases that can be plainly understood by all regular and special users of the radio system.

During periods when no significant emergency or multi-agency/jurisdictional event exists, dispatchers and field users may use the following selected codes to maintain user safety and to comply with acceptable communications.

448.3 PROCEDURE

Radio Codes approved by the Technical Advisory Committee (TAC).

- **10-4**: Message Understood.
- **10-15**: Suspect in custody.
- **10-35**: Can you copy confidential/officer hazard safety information? (Example: 1521 10-35(W))

Note: The purpose of "10-35" is to make the officer aware of possible officer safety information. The dispatcher will broadcast as follows "10-35F" and wait for the officer to request additional information. Asking if an officer is 10-35 defeats the intent of making notification without the subject being aware information is about to be relayed. The dispatcher will not broadcast any information until the officer advises they are clear to copy.

Identifiers:

B - Used to broadcast initial "Bait Car" activation information and during all related transmissions. The term "Bait Car" will not be used over the radio.

C - CAUTION: Information involving officer safety. Examples include weapons, suspect in crime, person with mental problems, etc.

F - Felony warrant information.

R - Restraining order information.

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S - Stolen vehicle.

M - Misdemeanor warrant information.

W - Weapons information.

- **10-52**: Status Check - The only acceptable answer is the officer's unit number followed by "Affirmative."
- **12-14**: Death/Dead Body.
- **12-34**: Behavioral problems.
- **Code 0**: Officer needs help (Immediate threat to life) - **This code is only initiated from the officers in the field. It will be broadcast county wide and generate a multi-jurisdictional Code 3 response, regardless of the location of the incident or responding units. Only the police agency OIC or officers on scene have the authority to cancel the response.**
- **Code 4**: I'm OK. (This is an acceptable code when it is initiated by the officer. This is not an acceptable response to a 10-52 status check.)
- **Code 5**: Stay out of the area.
- **Signal 2**: Frequency closed for a specific incident.

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Use of Audio Recorders

449.1 PURPOSE AND SCOPE

The Tualatin Police Department allows each of its sworn members to use audio recorders while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased audio record of a contact.

449.2 UNIFORMED OFFICER RESPONSIBILITIES

Any officer may carry an audio recorder at any time the officer believes that such a device may be beneficial to the situation. At the beginning of any recording, if reasonably practicle, the officer will dictate his/her name, the current date and time. At the conclusion of the recording, the officer shall record the date and time.

Each officer shall be responsible for maintaining his/her own recordings until the media is placed into evidence/safekeeping.

449.3 MEMBER RESPONSIBILITIES

ORS 165.540 165.540 et seq. prohibits the general surreptitious recording of conversations and provides specific exceptions to that prohibition. Members of the Department are encouraged to activate their recorders when such a recording is permissible pursuant to ORS 165.540 et seq.

(a) Absent a valid court order, other legal authorization or as provided by ORS 165.540 et seq. no member of this department may record a face-to-face conversation without first informing everyone who is present and party to the conversation that the conversation is being recorded (ORS 133.724).

(b) ORS 133.726(7) also provides specific circumstances under which oral communications may lawfully be intercepted without a court order. Absent exigent circumstances, officers should obtain supervisory approval prior to intercepting communications pursuant to this statute.

449.4 ACTIVATION OF THE AUDIO RECORDER

At any time that an officer records any portion of a contact which the officer reasonably believes constitutes evidence in a criminal case; the officer shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

(a) The officer shall further note in any related report that the recording has been placed into evidence

(b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case

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Once any recording medium has been filled, the officer shall place it into evidence or download the file in accordance with current procedure for storing digital files where it shall be retained for a period of no less than 180 days unless utilized in a specific case.

449.4.1 SURREPTITIOUS USE OF THE AUDIO RECORDER
Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

449.5 PROHIBITED USE OF PORTABLE RECORDERS

Recorded files may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct

(b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation

(c) By the personnel who originally recorded the incident

(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case

(e) By media personnel with permission of the Chief of Police or authorized designee

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Medical Marijuana

451.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Oregon's medical marijuana laws (ORS 475B.785 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

451.1.1 DEFINITIONS

Definitions related to this policy include:

Attending provider - A health care provider as defined by ORS 475B.791 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

Cardholder - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

Caregiver (or designated primary caregiver) - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a person's attending provider; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS 475B.791; ORS 475B.807; ORS 475B.801).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed and any other activities identified by the Oregon Department of Agriculture (ODA) by rule (ORS 571.269).

Mature marijuana plant - A marijuana plant that has flowers (ORS 475B.791).

Medical use of marijuana - The production, processing, possession, delivery, distribution, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by the person's attending provider that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS

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475B.913). This includes a person who has been issued a valid RIC for his/her medical condition (ORS 475B.797).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475B.804, the person's designated primary caregiver (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Statutory possession and grow site amounts - Amounts authorized by ORS 475B.831 and ORS 475B.834.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS 475B.791).

451.2 POLICY

It is the policy of the Tualatin Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Oregon medical marijuana laws are intended to protect patients and their doctors from criminal and civil penalties that may deter the use of small amounts of marijuana by those suffering from debilitating medical conditions (ORS 475B.785). However, Oregon's medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Tualatin Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the Department.

451.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations related to patient cardholders.

(c) Investigations related to patient non-cardholders.

451.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

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451.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Officers shall not take enforcement action against a caregiver for assisting a patient cardholder in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475B.907).

Cardholders are required to possess a RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475B.837). However, officers should treat a person without a RIC in his/her possession as if it were in his/her possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

451.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not take enforcement action against a patient who does not have a RIC for possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the patient meets all of the following (ORS 475B.913):

(a) Is engaged in the medical use of marijuana

(b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Officers should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession quantities or below statutory grow site quantities; and the person's medical use claim appears genuine under the circumstances (ORS 475B.913).

451.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Grow sites are regulated in the following manner (ORS 475B.810):

1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.
2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.

(b) An officer who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of plants (ORS 475B.831).

(c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

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1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors exist, such as limited available department resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor and Cannabis Commission (ORS 475B.831; ORS 475B.136).

(e) Registration or proof of registration under ORS 475B.785 to ORS 475B.949 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475B.922).

(f) As a licensing authority, the Oregon Liquor and Cannabis Commission may assist with related questions regarding recreational marijuana (ORS 475B.070).

451.3.5 EXCEPTIONS

Medical marijuana users are generally not exempt from other criminal laws and officers should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Officers may take enforcement action if the person (ORS 475B.910):

(a) Drives under the influence of marijuana as provided in ORS 813.010.

(b) Engages in the medical use of marijuana in a place where the general public has access (ORS 161.015), in public view, or in a correctional facility (ORS 162.135(2)), or in a youth correction facility (ORS 162.135(6)).

(c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.

(d) Delivers marijuana to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If an officer knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS 475B.010 to ORS 475B.545), the officer shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS 475B.429).

451.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be licensed with the ODA to grow or handle industrial hemp or produce agricultural hemp seed. Growers and

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handlers who produce seed products incapable of germination are not required to be licensed with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

451.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

451.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor shall ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed, harmed, neglected, or injured. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants (ORS 475B.922).

Marijuana should not be returned to any person unless authorized by the Detective Unit supervisor and upon advice of city counsel. Any court order to return marijuana should be referred to city counsel.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Unit supervisor.

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Foot Pursuits

457.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

457.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, officers should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

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457.3 RESPONSIBILITIES IN FOOT PURSUITS

457.3.1 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information necessary to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

457.4 REPORTING REQUIREMENTS

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Any injuries and/or medical treatment.

(h) Any property or equipment damage.

(i) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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457.5 REGULAR AND PERIODIC FOOT PURSUIT TRAINING

In addition to initial and supplementary training on foot pursuits, all sworn members of this department will participate in regular and periodic department training addressing this policy and the importance of 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.

457.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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Bicycle Patrol

459.1 PURPOSE AND SCOPE

The Tualatin Police Department has established the option of Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

459.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Shift Supervisor.

459.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to their appropriate Division Commander, through the chain of command. Qualified applicants will then be invited to an oral interview. The oral board will consist of the supervisors from the Tualatin Police Department. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

Final selection will be based upon recommendations by the supervisors and the Patrol Division Commander.

459.4 TRAINING

Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. Thereafter bicycle patrol officers should receive regular in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

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Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

459.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the patrol bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is required.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

459.6 CARE AND USE OF PATROL BICYCLES

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Except in the event of an emergency officers shall not remove or add components or modify the patrol bicycle without the expressed approval of a supervisor.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Except when emergency circumstances preclude doing so patrol bicycles should be properly secured when not in the officer's immediate presence.

459.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Oregon Revised Statutes. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

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Homeless Persons

463.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

463.2 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall designate certain responsibilities to a liaison to the homeless community.The liaison shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include but are not limited to:

(a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.

(c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with homelessness, including property rights. This will include the following:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.

(f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

(g) Reviewing any city policies regarding homeless individuals camping on public property (ORS 203.077).

463.3 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Officers also will take enforcement action when information supports a

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reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

463.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, officers should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

(f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

463.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee’s personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping.

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Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

463.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a city policy, any unclaimed personal property stored by this department shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 203.079).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to department protocols and the Property and Evidence Policy.

463.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

463.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

463.7 POLICY

It is the policy of the Tualatin Police Department to protect the rights, dignity, and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Tualatin Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

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463.8 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, officers shall (ORS 203.079):

(a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 203.079 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).

1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).

(b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 203.079).

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Public Recording of Law Enforcement Activity

465.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

465.2 POLICY

The Tualatin Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

465.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (ORS 165.540).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

465.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

465.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

465.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless ("First Amendment Privacy Protection, Unlawful Acts", 42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to

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be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

466.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

466.2 POLICY

The Tualatin Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

466.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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466.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

466.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

466.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

466.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

466.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles, and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

1. The plan shall include officer identifiers affixed to the uniform and helmet that comply with ORS 181A.702.

(a) An officer shall not intentionally obscure any part of a uniform or helmet identifier.

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

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(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

466.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

466.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

466.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal

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or arrest of those acting in violation of the law). Control devices and TASER devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

466.8 ARRESTS

The Tualatin Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

466.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

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466.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

466.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

466.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

466.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

466.13 PUBLIC REQUEST OF OFFICER IDENTIFICATION

Officers shall provide their name, identification number, or unique identifier assigned by the Department to a person when requested if it is practical, safe, and tactically sound to do so at the time of request (ORS 181A.704).

The request may be satisfied by providing a department-issued business card.

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466.13.1 INVESTIGATION OF OFFICER IDENTIFICATION

Upon request by a member of the public, the Department shall conduct an investigation to identify an officer as follows (ORS 181A.704):

The member of the public has provided the following:

- The member of the public has provided the following:
  - A partial name
  - A full or partial badge number, or other identifying number
  - A photo of the officer
  - A full or partial license plate, or other identifying number from a police vehicle
  - A physical description
  - The location, date, and time when the officer was present

Within seven days of receiving the request, the department shall confirm to the requester receipt of the request.

- Within 14 days after receiving the request, the department shall provide the requester:
  - The name and the number assigned to the officer by the Department of Public Safety Standards and Training; or
  - An explanation of why the identification could not be performed.
- If the requester provided a full badge number, the department shall provide the name of the officer within 14 days after receiving the request.

Identification shall not be provided if the officer is participating in an undercover law enforcement operation (ORS 181A.704).

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Medical Aid and Response

467.1 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.

467.2 POLICY

It is the policy of the Tualatin Police Department that all officers and other designated members be trained in the administration of Naloxone when necessary to facilitate an emergency medical response to a suspected opioid overdose.

467.3 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.

467.3.1 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 Patrol Captain for replacement.

Any member who administers an opioid overdose medication should notify responding medical personnel as soon as possible of the use.

467.3.2 OPIOID OVERDOSE MEDICATION REPORTING

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

The Division Commander will ensure that the report contains enough information to meet applicable state reporting requirements.

467.3.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Coordinator should ensure training is provided to members authorized to administer opioid overdose medication.

467.4 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.

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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.

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.

467.5 FIRST AID TRAINING

Subject to available resources, the Training Coordinator should ensure officers receive periodic first aid training appropriate for their position.

467.6 MEDICAL ATTENTION FOR RESTRAINED PERSONS

When an officer encounters a restrained person suffering a respiratory or cardiac compromise, the officer shall request EMS services immediately if (ORS 133.518):

(a) It is tactically feasible to make the request.

(b) The officer has access to communications.

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Suspicious Activity Reporting

468.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

468.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

468.2 POLICY

The Tualatin Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

468.3 RESPONSIBILITIES

The Investigation Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

468.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

468.5 HANDLING INFORMATION

The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Detective Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Tualatin Police Department. Information provided by the Department of Motor Vehicles and Oregon Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating an officer's overall performance. The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Officers attempting to enforce traffic laws shall be in Tualatin Police Department uniform or shall conspicuously display an official identification card showing the officer's lawful authority (ORS 810.400). Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge.

(b) Court appearance procedure including the optional or mandatory appearance by the motorist.

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Officers at the scene of a traffic accident and, based upon the officer's personal investigation, having reasonable grounds to believe that a person involved in the accident has committed a traffic offense in connection with the accident, may issue the person a citation for that offense (ORS 810.410(4)).

500.3.3 PHYSICAL ARREST
Officer may arrest or issue a citation to a person for a traffic crime at any place within the state. Generally, physical arrests are limited to major traffic offenses such as:

(a) Driving Under the Influence of Intoxicants.

(b) Hit-and-Run.

(c) Attempting to Elude.

(d) Reckless Driving with extenuating circumstances.

(e) Situations where a violator refuses or cannot satisfactorily identify him/herself and therefore cannot be issued a citation.

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to ORS 810.410.

Officers should attempt to interview the violator to obtain evidence that the violator knew their license was suspended. Ask if the violator is still living at the address on file with DMV and if not, how long since they moved and why they haven't notified DMV of their new address.

If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his or her license in possession, the license shall be seized by the officer and the violator may also be cited for Failure to Return a Suspended License if evidence shows they knew they were suspended (ORS 809.500).

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500.5 HIGH-VISIBILITY VESTS

The Tualatin Police Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; OAR 437-002-0134).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

Each officer shall be issued a high-visibility vest and is responsible for its proper care and storage.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Tualatin Police Department prepares traffic collision reports in compliance with Oregon Revised Statutes 810.460 relating to reports of traffic accidents to the Oregon Department of Transportation and, as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

All officers and supervisors will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report or the Tualatin Police Department Driver Information Exchange Form. The Traffic Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Records Management System. The Records Section will be responsible for monthly reports on traffic collision statistics to be forwarded to the Patrol Division Commander and the Oregon Traffic Safety Commission.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed by the involved employee's supervisor, per City policy.

Photographs of the collision scene and vehicle damage shall be taken. The on-duty Sergeant or OIC shall notify the Patrol Division Commander.

At the discretion of the Sergeant or OIC, these investigations may be referred to an outside law enforcement agency for investigation.

502.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in any traffic collision within the City limits of Tualatin the Shift Supervisor or OIC shall notify the Oregon State Police or another outside law enforcement agency to investigate the collision.

When an on-duty employee of this department is involved in any traffic collision outside the City limits of Tualatin, they shall promptly notify the on duty Sergeant or OIC and the law enforcement agency with jurisdiction for the scene for purposes of investigating the collision.

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Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed by the Sergeant and forwarded to the appropriate Division Commander.

502.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS
The Shift Supervisor or OIC may request assistance from the Oregon State Police or other outside law enforcement agency for the investigation of any traffic collision involving any Tualatin official or employee.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
Traffic collision reports shall not be taken for collisions occurring on private property unless there is a death or injury to any person involved, a hit and run violation, or an officer issues a citation for a Vehicle Code violation. A Miscellaneous Services Report may be taken at the discretion of any supervisor. Refer to the Tualatin Police Department Report Writing Manual.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when collisions occur on a roadway or highway or premises open to the public within Tualatin when:

(a) there is a death, or injury to any person involved in the collision

(b) A crime is involved (DUII, Hit and Run, Attempt to Elude, etc.)

(c) the accident is initially reported by a garage operator who has received a vehicle involved in a serious accident or exhibiting evidence of having been struck by a bullet (Oregon Revised Statutes 822.600)

(d) the collision meets the criteria for operators to submit a State Accident Report to the Department of Motor Vehicles

(e) Other collisions will be reported on Tualatin Police Department Driver Information Exchange Forms pursuant to the protocols of the Tualatin Police Department Report Writing Manual.

(f) If on a highway or roadway, all hit and run violations as defined by Oregon Revised Statutes 811.700 and 811.705.

502.4.6 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS
A report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless the incident meets the criteria in Policy Manual § 502.45, a,b or c.

502.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION

In the event of a serious injury or fatal traffic collision, with circumstances of alcohol or drug impairment or other criminal involvement, the Shift Supervisor or OIC shall notify the Washington County Crash Analysis Reconstruction Team Sergeant and request a CART investigation the traffic collision. The OSP Crime Lab may also be requested to assist with a fatal accident.

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The Sergeant or OIC will also notify the Patrol Division Commander and the Chief of Police in the event of any serious injury or fatal traffic collision.

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Vehicle Towing

510.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

510.2 NO PREFERENCE TOW SERVICES

Upon proper application, the Washington County Sheriff's Office may approve qualified towing services to be called when a citizen needs towing but has no preference as to which service to call.

Any complaint alleging a violation of the agreement or other misconduct by a no preference operator shall be referred to the Washington County Sheriff's Office, Office of Towing Coordination, for investigation. The department may periodically review the performance of each authorized no preference operator.

The Department will assist citizens by calling any towing company desired. If the citizen has no preference and requests towing service, one of the authorized firms shall be called in rotation.

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

510.3 SECTION TITLE

510.4 POLICY

The Tualatin Police Department will tow vehicles when appropriate and in accordance with the law.

510.5 NOTICE PRIOR TO TOW

When circumstances permit, (e.g., when towing a vehicle for parking or registration violations and the vehicle does not constitute a hazard), the department member should make a good-faith effort to provide notice that is reasonably calculated to apprise the owner of the vehicle that it is subject to towing and impoundment.

510.6 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Dispatch to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member when the vehicle is (ORS 819.120):

(a) Parked so that any part of the vehicle extends into the paved portion of the travel lane.

(b) Parked so that any part of the vehicle extends into the highway shoulder or bicycle lane of any freeway.

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Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or comply with posted signs.

510.7 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed (ORS 809.720):

- The vehicle can be legally parked, left in a reasonably secure and safe location, and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing, and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

510.8 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence (ORS 133.535).

Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, as long as the vehicle is not needed for evidence.

510.8.1 STATE REQUIREMENTS

The impounding officer should take reasonable steps to protect against loss or damage to impounded vehicles and any contents that may have been taken as evidence (ORS 133.537).

If a recovered stolen vehicle is towed, the officer shall share the owner's contact information, including the person's home address and telephone number, with the towing service that assumes control of the vehicle (ORS 98.857).

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510.9 RECORDS

Records Unit members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

510.9.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the [recordsBureau] as soon as practicable after the vehicle is towed.

510.9.2 NOTICE AFTER TOW

Within 48 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the [recordsBureau] to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include (ORS 819.180):

(a) That the vehicle has been taken into custody and towed; the identity of the appropriate towing authority; and the statute, ordinance, or rule under which the vehicle has been taken into custody and towed.

(b) The location of the vehicle, or the telephone number and address of the authority that will provide that information.

(c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.

(d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

(e) That the owner, possessor, or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it, and to contest the reasonableness of the charges for towing and storage if a hearing is requested in a timely manner.

(f) The time within which a hearing must be requested and the method for requesting a hearing.

(g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority.

510.10 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

510.11 VEHICLE INVENTORIES

The contents of all vehicles towed at the request of department members shall be inventoried. When reasonably practicable, photographs may be taken to assist in the inventory.

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(a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including but not limited to the glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.

(b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including but not limited to unlocked glove compartments, unlocked vehicle trunks, and unlocked car-top containers.

(c) Any locked compartments, including but not limited to locked glove compartments, locked vehicle trunks, locked hatchbacks, and locked car-top containers, should be inventoried, provided the keys are available and are to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

(d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables, or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry, or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members, and protecting the Department against fraudulent claims of lost, stolen, or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

510.11.1 OPPORTUNITY TO REMOVE PROPERTY

In the event that the owner, operator, or occupant of a vehicle to be impounded is present at the scene and not subject to arrest, the officer shall provide notice and opportunity to that person

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to take readily retrievable personal belongings (e.g., purse, backpack, cigarette pack) from the vehicle that are not considered evidence or contraband.

510.12 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator, or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or the owner's agent to request a hearing to contest the tow.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

512.2 IMPOUND HEARING

When a vehicle is impounded by any member of the Tualatin Police Department, a hearing to contest the validity of the impound will be conducted upon the request of the registered or legal owner of the vehicle or their agent.

512.2.1 HEARING PROCEDURES

When requested, a hearing to contest the validity of the impoundment and the reasonableness of the tow will be held as follows (ORS 819.190).

Requests for a hearing on an impounded vehicle shall be submitted in writing to the person designated by the Tualatin Police Department to receive such requests, within five days of the postmarked date on the notice of impound. The request shall state the grounds upon which the person requesting the hearing believes that the custody and towing of the vehicle was not justified.

An impound hearings officer, the Tualatin Municipal Court Judge, will set a time for the hearing within 72 hours of the receipt of the request, excluding Saturdays, Sundays and holidays. The hearings officer will provide notice of the hearing to the person requesting the hearing, to the impounding officer and to any owner, leasor or security interest holder shown in the Oregon Department of Transportation (ODOT) records.

An impound hearings officer, the Tualatin Municipal Court Judge, shall consider all information provided and shall determine the validity of the impound based on substantial evidence on the record, according to applicable law and department policy. The hearings officer shall then render a decision. The officer who caused the removal of the vehicle may submit an affidavit to the hearings officer in lieu of a personal appearance.

If the hearings officer decides that the impound was valid, he/she shall order the vehicle held in custody until the cost of the hearing and all reasonable towing and storage costs are paid by the party claiming the vehicle.

If the hearings officer decides that the impound was invalid, he/she shall order the immediate release of the vehicle to the owner or person with right of possession. Such person is not liable for towing or storage charges and shall be reimbursed for such charges if they have already been paid. New storage costs will not start to accrue until more than 24 hours after the time the vehicle is officially released (ORS 819.190).

If a decision is made that the impound was invalid and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander for reimbursement by this department to the appropriate party.

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Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Tualatin Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Department will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Oregon or another jurisdiction.

514.4 FIELD TESTS

The Department should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

(a) The arresting officer has reasonable grounds to believe that the person was DUI.

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(b) The person is arrested for DUI and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).

(c) The person is arrested for DUI and was involved in an accident resulting in injury or property damage (ORS 813.131).

(d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was DUI.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH SAMPLES

The Department should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Captain.

514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

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514.5.4 STATUTORY NOTIFICATIONS
Prior to administering any tests, the person shall be informed of the rights and consequences for DUI and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

514.5.5 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES
An officer may not request that a person submit to a urine test unless the officer is certified by the Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The officer must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of cannabis, psilocybin, a controlled substance, an inhalant, or any combination of cannabis, psilocybin, an inhalant, a controlled substance, and intoxicating liquor (ORS 813.131).

The person providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

514.5.6 ADDITIONAL TESTING
An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, psilocybin, a controlled substance, or an inhalant in the person's body is an issue (ORS 813.150).

514.6 REFUSALS
When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

514.6.2 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (ORS 813.100).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency

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can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when legal and practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in his/her blood, the investigating officer shall cause the following items to be

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forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The completed Implied Consent Form
- Any confiscated license or permit belonging to the person
- A copy of the written report that complies with ORS 813.120

An officer confiscating a person's license pursuant to state DUI laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

514.7.2 OFFENSE FOR REFUSAL

If a person refuses to submit to a breath or urine test, the arresting officer may charge the person with a separate offense (ORS 813.095).

514.8 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

514.10 TRAINING

The Training Coordinator should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Patrol Commander shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the court of jurisdiction of the citation.

Should an officer determine prior to or during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Section. The Records Section shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with the department, all employees issued traffic citation books shall return any unused citations to the Patrol Commander.

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516.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Juveniles 16 or 17 years of age should be cited in the same manner as adults and into the same courts.

(a) Juveniles 15 and younger may be cited, but with the following differences:

1. "Appear in Court": enter "To Be Notified"
2. "Scheduled Bail": enter "Juv"
3. "Located at": enter "To Be Notified"

(b) If a juvenile 17 years of age or younger is to be charged with a traffic crime under the Oregon revised Statutes, the arresting officer should:

1. Issue a citation for the charge as mentioned previously in this section
2. Complete all reports as for an adult, pursuant to the Tualatin Police Department Report Writing Manual.
3. Either release the juvenile to a parent or guardian or lodge the juvenile, pursuant to the appropriate county juvenile department recommendation.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

Public safety, and the Tualatin Police Department's commitment to service, requires that officers place a high priority on assisting disabled motorists. This policy provides guidelines for achieving that objective.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

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Abandoned Vehicle And Storage On City Streets Procedures

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and removal of abandoned vehicles under the authority of Oregon Revised Statutes 819.100, 819.110, 819.120, and City of Tualatin Codes, Chapter 8-1.

524.2 MARKING VEHICLES

Vehicles suspected of being abandoned in violation of ORS 819.100, and in violation of Tualatin City Ordinance 8-1-260, shall be marked and noted on a CAD call. No case number is required at this time.

(a) (a) A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the CAD call. An abandoned Tow "Red Sticker" shall be prominently attached to a window in a manner that does not block a driver's visibility.

(b) Officers should insert remarks in their CAD call to indicate the milage of the vehicle, if visible, and it's condition at the time it was tagged.

The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

524.2.1 MARKED VEHICLE FILE

The Records Division shall be responsible for maintaining a file for all tagged abandoned vehicles.

Officers shall be responsible for the follow up investigations of all tagged as abandoned vehicle records and City Ordinance violations of vehicles stored on city streets in excess of 72 hours.

524.2.2 VEHICLE IMPOUND

Any vehicle in violation shall be impounded by the authorized towing service and an Impounded Vehicle Report shall be completed by the officer.

The Impounded Vehicle Report form shall be submitted to the Records Division immediately following the towing of the vehicle. It shall be the responsibility of the Records Division to enter the vehicle into LEDS.

Tualatin Municipal Ordinance 8-1-260 considers vehicles parked on a city street in excess of 72 hours as Storage On City Streets.

Storage on a city street in excess of 72 hours is a civil infraction and is subject to tow, following specific guidelines as set forth in Tualatin City Ordinance, Chapter 8-1. Officers should make every effort to gain compliance prior to the issuance of a Civil Infraction Citation and towing of the vehicle.

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Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Division to determine the names and addresses of any individuals having an interest in the vehicle through DMV. Records personnel shall mail a copy of the approved Vehicle Impound Report form along with information describing the location of the vehicle, the procedures for its release, and the owner's right to a hearing, to the legal and registered owners of the stored vehicle within 48 hours after it has been impounded, unless the vehicle has been previously released (Oregon Revised Statutes 819.180(1)).

Vehicles Impounded under this section may be subject to hearing procedures outlined in Policy Manual § 512.

524.3 IMPOUND HEARING

When a vehicle is stored under this section by any member of the Tualatin Police Department, a hearing will be conducted upon the timely request of any person who reasonably appears to have an interest in the vehicle.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 POLICY

It is the policy of the Tualatin 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 Patrol Sergeant.
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.

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 Detective 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 department. 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 department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-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 department 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 Division

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

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Civil Forfeiture - The following, with certain restrictions, may be subject to civil forfeiture when used for prohibited conduct (ORS 131A.020):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including but not limited to aircraft, vehicles, and vessels to transport, sell, conceal controlled substances.
- Proceeds from prohibited conduct or money, deposits or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct and conspiracies.
- A motor vehicle when the driver is arrested or cited for driving while suspended or revoked under ORS 811.182 or ORS 163.196 and has been convicted of either offense within the past three years (ORS 809.740).

Criminal Forfeiture - The following, with certain restrictions, may be subject to criminal forfeiture when used, or intended to be used, for prohibited conduct (ORS 131.558):

- Containers for controlled substances and related compounds, etc.
- Conveyances, including aircraft, vehicles, and vessels to transport, sell, conceal, etc. controlled substances.
- Proceeds from prohibited conduct or money, deposits, or other things of value used to facilitate prohibited conduct.
- Real property or interest in real property.
- Weapons possessed or used.
- Property used for attempts to commit prohibited conduct, solicitations to commit prohibited conduct, and conspiracies.
- All other personal property that is used or intended to be used to commit or facilitate prohibited conduct.

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings.

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This includes any time the Tualatin Police Department seizes property for forfeiture or when the Tualatin Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Prohibited conduct - In the context of criminal forfeiture, refers to a felony or a Class A misdemeanor for purposes of proceeds and the many crimes listed in ORS 131.602 for purposes of instrumentalities (ORS 131.550).

Prohibited conduct in the context of civil forfeiture refers to any of the following (ORS 131A.005):

- Crimes related to the Uniform Controlled Substances Act where a person may be sentenced to imprisonment (specifically, ORS 475.005 through ORS 475.285 and ORS 475.744 through ORS 475.980).
- Crimes involving violation of, or solicitation, attempt, or conspiracy to violate ORS 475B.337, ORS 475B.341, ORS 475B.346, or ORS 475B.349.
- Violation of, or solicitation, attempt or conspiracy to violate ORS 475B.227.
- Involuntary servitude or compelling prostitution (ORS 163.263; ORS 163.264; ORS 163.266; ORS 167.017).
- Other local crimes allowing for civil forfeiture where a person may be sentenced to imprisonment for the offense.

Seizure -The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Tualatin Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

It is the policy of the Tualatin Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

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(a) Civil forfeiture

1. Property that is subject to a court order (ORS 131A.060).
2. Property that is not subject to a court order if (ORS 131A.065):
    (a) There is probable cause to believe that the property is subject to forfeiture and the property may constitutionally be seized without a warrant.
    (b) The seizure is in the course of a constitutionally valid criminal investigative stop, arrest or search, and there is probable cause to believe that the property is subject to civil forfeiture.
    (c) The property is directly or indirectly dangerous to the health or safety of any person.
    (d) An owner consents to the seizure.

(b) Criminal forfeiture

(a) Property that is subject to a court order (ORS 131.561).
(b) Property that is not subject to a court order when (ORS 133.535; ORS 131.561):
    (a) The property subject to criminal forfeiture is also evidence of a crime or is illegal to possess.
    (b) There is probable cause to believe that the property is subject to criminal forfeiture.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
(b) A conveyance owned by a common carrier or person who did not consent to the offense in question or had no knowledge of the offense (i.e., an "innocent owner") (ORS 131.558)

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized.

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When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly ORS 131.550 et seq., ORS 131A.010 et seq., and Or Const, Art XV, § 10 and the forfeiture policies of the forfeiture counsel.

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(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate (see the restrictions in Or Const, Art XV, § 10).

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
5. Other information as necessary to comply with the form requirements of ORS 131.570 and ORS 131A.055.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directive. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property. Information on the notice to interested parties can be found in ORS 131.561, ORS 131.570, ORS 131A.150 and ORS 131A.230. Information on the notice of intent to forfeit real property with the county can be found in ORS 131.567.

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4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the Department disposes of property as provided by law following any forfeiture.

(k) Ensuring the forms and receipts provided for field use comply with ORS 131.570 and ORS 131A.055. A consensual search of a motor vehicle form should be available for field use as well (ORS 131A.025).

(l) Disabling hidden compartments in vehicles when appropriate (ORS 131.566; ORS 131A.030).

(m) Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures,

(n) Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

606.7 DISPOSITION OF FORFEITED PROPERTY

Property forfeiture through the criminal forfeiture process shall be disposed of in accordance with ORS 131.594 and the associated statutes including priority payments for costs and to victims, as applicable. Forfeited cigarettes shall be destroyed, not sold (ORS 131.604).

Criminally forfeited lab equipment may be donated to educational institutions (ORS 131.594).

606.7.1 DISPOSITION OF RECORDS

Written documentation of each sale, decision to retain, transfer or other disposition of criminally forfeited property will be maintained and any information requests necessary for the forfeiture counsel’s electronic reports shall be addressed (ORS 131.600).

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606.8 CONSENSUAL SEARCH OF MOTOR VEHICLE

Officers should use a consensual search of a motor vehicle form when requesting a consensual search of a motor vehicle (ORS 131A.025).

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Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Tualatin Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Tualatin Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The Tualatin Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

608.3 USE OF INFORMANTS

608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility. All informants shall be deconflicted through WIN prior to approval.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Chief of Police or the authorized designee

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608.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, WIN supervisor, if applicable, or their authorized designees.

  1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Tualatin Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

  (a) Members shall not become intimately involved with an informant.

  (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the investigations supervisor.

  (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the investigations supervisor.

  1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member.

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The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the WIN, if applicable, and/or the Investigations Unit. The WIN supervisor, the investigations supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, investigations supervisor,WIN supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the WIN supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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608.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

608.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The investigations supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

608.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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(a) Payments of $500 and under may be paid in cash from an investigations buy/expense fund.

    (a) The investigations supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

    1. The check shall list the case numbers related to and supporting the payment.
    2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
    3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
    4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

    1. The cash transfer form shall include the following:
        (a) Date
        (b) Payment amount
        (c) Tualatin Police Department case number
        (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
    2. The cash transfer form shall be signed by the informant.
    3. The cash transfer form will be kept in the informant's file.

608.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

608.6.3 AUDIT OF PAYMENTS

The investigations supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Tualatin Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) A person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. For the purpose of this policy, a UAS includes a drone, as defined by ORS 837.300.

613.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current (OAR 738-080-0045).
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Ensuring that the UAS is registered with the Oregon Department of Aviation (ORS 837.360).
- Developing protocols for storage, security, and access to data collected by the UAS (ORS 837.362).
- Developing protocols if a third party is used for the storage of data, including handling, security, and access to the data by the third party (ORS 837.362).
- Developing protocols for disclosing data collected by the UAS through intergovernmental agreements (ORS 837.362).
- Publishing the department policies and procedures regarding the use, storage (including third party storage), accessing, sharing, and retention of data collected by the UAS, including the text of ORS 192.345 on the department website or other publicly accessible system (ORS 837.362).

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

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Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

The UAS shall only be operated by the Department (ORS 837.320; ORS 837.330; ORS 837.335):

(a) Pursuant to a valid warrant authorizing its use.

(b) When there is probable cause to believe that a person has committed a crime, is committing a crime or about to commit a crime, and exigent circumstances exist that make it unreasonable to obtain a warrant authorizing the use.

(c) With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.

(d) As part of search and rescue activities, as defined in ORS 404.200.

(e) When assisting an individual in an emergency if there is a reasonable belief that there is an imminent threat to the life and safety of the individual.

1. A report shall be prepared documenting the factual basis for the belief.
2. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court describing the nature of the emergency and the need for the use of the UAS.

(f) During a state of emergency declared by the Governor, if:

1. The UAS is used for preserving public safety, protecting property or conducting surveillance that will be used to assess and evaluate environmental or weather-related damage, erosion or contamination.
2. The UAS is operated only in the geographical area specified in the Governor's proclamation.

(g) For the purpose of reconstructing a crime scene or accident scene, or a similar physical assessment, that is related to a specific investigation, as provided by ORS 837.340.

(h) For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.

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- To conduct personal business of any type.

The UAS shall not be weaponized (ORS 837.365).

The UAS shall not be used in any way that causes interference with an aircraft that is in the air, taking off, or landing (ORS 837.374).

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule (ORS 837.362).

613.8 REPORTING

The Records Unit supervisor shall ensure that an annual report is provided to the Oregon Department of Aviation that summarizes the frequency of UAS use and the purpose for the use, and indicates how the public can access the department's policies and procedures regarding the use of data resulting from the use of UAS as required by ORS 837.360.

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Warrant Service

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

614.2 POLICY

It is the policy of the Tualatin Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

614.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

614.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded with notice to all parties to a conversation that a recording is being made unless otherwise permitted in the warrant or ORS 133.726 (ORS 165.540).

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(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

614.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

614.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Tualatin Police Department are utilized appropriately. Any concerns regarding the requested use of Tualatin Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Patrol Sergeant should assume this role.

If officers intend to serve a warrant outside Tualatin Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Tualatin Police Department when assisting outside agencies or serving a warrant outside Tualatin Police Department jurisdiction.

614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police or his/her designee. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

614.12 TRAINING

The Training Coordinator should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

615.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

615.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

615.2 POLICY

It is the policy of the Tualatin Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

615.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

615.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

615.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Crisis Negotiation Unit (CNU)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

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8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

615.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

615.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

615.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

615.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

615.8 CNU PARTICIPATION

If the operations director determines that CNU participation is appropriate, the director and the CNU supervisor shall work together to develop a written plan. The CNU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CNU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

615.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police or his/her designee. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

615.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CNU debriefing.

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615.11 TRAINING

The Training Coordinator should ensure officers and CNU team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Sexual Assault Investigations

616.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

616.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in ORS 163.305 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally composed of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

616.2 POLICY

It is the policy of the Tualatin Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

616.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable (ORS 147.401).

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616.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

616.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

616.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

616.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

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An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

616.7.1 POLYGRAPH EXAMINATION OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 through ORS 163.575, shall not be required to submit to a polygraph examination as a prerequisite to filing criminal charges (34 USC § 10451; ORS 163.705).

616.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. When a victim agrees to participate in a medical assessment, the officer shall contact a victim advocate and make reasonable efforts to ensure that the advocate is present and available at the medical facility if such notification has not already been made by medical personnel (ORS 147.404).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Unless the victim has chosen to remain anonymous, sexual assault kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing (ORS 181A.325).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

616.8.1 COLLECTION AND TESTING REQUIREMENTS

A sexual assault forensic evidence kit shall be obtained from a medical facility within seven days after the medical facility notifies the Department that the kit has been collected. The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the Department receives the kit from the medical facility and accompanied with information sufficient to allow OSP to prioritize testing. Sexual assault kits shall not be submitted in cases where the victim has chosen to remain anonymous (ORS 181A.325).

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If a victim chooses to file a sexual assault report at a later time, the sexual assault kit associated with the report shall be reclassified as a non-anonymous kit and submitted for testing to the OSP within 14 days of the reclassification (ORS 181A.325).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

616.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable. Investigating members should work with the crime victim liaison as provided in the Victim and Witness Assistance Policy.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

616.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Unit supervisor.

Classification of a sexual assault case as unfounded requires the Detective Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

616.10 CASE REVIEW

The Detective Unit supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

The Support Division Commander shall be responsible for developing and maintaining procedures for the inventory control of department property.

700.2.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

2. A review of the incident by command staff should determine whether additional action is appropriate.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

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700.3 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.3.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Tualatin or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

700.4 OPTIONAL EQUIPMENT

Members may wear/use optional equipment in accordance to § 1046.

700.5 POLICY

Members of the Tualatin Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members’ personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.6 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or the appropriate Division Commander. The member should submit a request that includes the description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as a part of work.

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700.6.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper form. This form is submitted to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether the reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Citydepartment responsible for issuing payments.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.1.1 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content sent, received and/or stored through the use of such service.

702.2 POLICY

The Tualatin Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any issued or funded PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own individually owned PCD while on duty subject to the following conditions:

(a) Carrying an individually owned personal communication device is optional.

(b) The device shall be purchased, used and maintained at the employee's expense.

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702.2.2 USE OF PERSONAL COMMUNICATION DEVICES

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCDs however, should not be used to replace regular radio communications.

(a) PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.

(b) PCDs may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the general public.

(c) Extended or frequent use of departmentally issued PCDs or personally owned PCDs while on duty for personal use is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

702.2.3 USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practical, stop the vehicle at an appropriate location to complete their communication (ORS 811.507).

Except in the case of an emergency, employees who are operating non-emergency vehicles shall not use cellular phones or other personal communication devices while driving unless the telephone is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business related calls or calls of an urgent nature.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, including, but not limited to, the lack of a working siren, emergency lights and/or radio communications, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 VEHICLE INSPECTION RECORDS

Officers will be supplied with a daily patrol vehicle inspection form. Officers will use this form to facilitate the daily inspection of the patrol vehicle and its contents to assure that all required equipment and supplies are in the vehicle at or near the start of the shift. Patrol vehicles will be supplied a laminated placard listing the required equipment for the vehicle.

The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

Following the daily inspection, Officers will turn the completed form in to their Sergeant or the O.I.C. If there are items of equipment or supplies that need to be repaired or replaced, the Sergeant or O.I.C. will help facilitate and document that process.

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Collected daily inspection forms will be maintained in a file designed for that purpose and will be maintained at 30-day intervals to help track potential equipment deficiencies. Failure to submit a daily inspection form could result in progressive disciplinary action.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location. Vehicles should be fueled at the end of each shift.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Marked vehicles released to non-members for service or any other reason shall have all weapons removed and "out of service" placards or lightbar covers in place.

704.7 VEHICLE INSPECTION

Unless delayed by an emergency call, employees shall inspect department vehicles at the beginning of each shift for any damage, and to ensure that all systems, lights and emergency equipment are in good working order. The interiors should be examined to confirm no property or contraband is present. The interior inspection should be repeated at the conclusion of any prisoner transport.

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Use of City Vehicles - Vehicle Assignments

705.1 PURPOSE AND SCOPE

It is the prerogative of the Chief of Police to authorize the assignment of vehicles to operational or support units within the police department and/or individual person within those units.

705.2 DEFINITIONS

City Vehicle - Any motorized vehicle owned by the City of Tualatin. City vehicles include, but are not limited to: marked police vehicles, unmarked investigations vehicles, training/court vehicles, motorcycles, scooters, GEM car, and others.

City Related Business - Any activity whereby the individual or unit is engaged in an activity that is directly related to the current operations and support requirements of the City of Tualatin and/or the Tualatin Police Department. City related business may include, but is not limited to, transportation to and from: assigned work locations; restaurants within the duty assignment area; training and school classes; DMV hearings; physical fitness training programs; meetings held after duty hours; special assignments; and transportation during the course of the duty shift for work assignments, etc.

Personal Business - Any activity that does not have any direct relationship to the rank, duty assignment, operations or support needs of the City of Tualatin and/or the Tualatin Police Department. Examples include, but are not limited to: driving while on vacation from work; driving while on a compensatory day off from work; routinely driving while off duty for personal shopping trips, driving while off duty to transport family members for personal business purposes, etc.

705.3 POLICY

It is the policy of the Tualatin Police Department to assign vehicles to units or individuals, based upon the current operational and support needs of the department.

705.4 TAKE HOME VEHICLE ASSIGNMENTS

Currently operational and support needs of the police department allow the assignment of the Take Home City Vehicle to: Chief of Police, Division Commanders, Investigations Sergeant, Detectives, Tactical Negotiations Team (TNT) Officer, Canine Handler, and Motorcycle Officers.

Other operational and support units of the police department are assigned vehicles for general use while on duty and for transportation to and from court, business meetings, conferences, and/or training sites other than the police department.

705.5 RESTRICTIONS AND REQUIREMENTS

Certain restrictions and requirements apply to those members who are assigned a Take Home Vehicle. These restrictions and requirements include, but are not limited to the following:

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(a) The member must live within the state of Oregon and live within a 30-mile radius of the City of Tualatin, and/or be able to safely respond to an emergency within the City of Tualatin within 30 minutes of receiving an emergency call-out.

(b) The member is subject to frequent call-outs and must be able to respond directly to the scene in a timely manner, on short notice, and fully equipped for the specific duty/ assignment.

(c) The member must provide special care for the vehicle and follow all policies and procedures for keeping the vehicle in good working order.

(d) The member is responsible for making sure the vehicle is properly stocked with all general supplies and equipment necessary for a call-out.

(e) The member must be armed and is expected to provide assistance if necessary.

(f) The police radio in the vehicle must be turned on and monitored by the member.

(g) Members operating an issued vehicle shall refrain from drinking alcoholic beverages immediately prior to operating an issued vehicle.

(h) The member may not use the vehicle for personal business, unless otherwise authorized by the Chief of Police or his/her designee under special conditions/ restrictions.

(i) Members are not compensated for "hours worked" while conducting routine maintenance (outside of normal work hours) or commuting time to and from work unless specifically being "called out" for an assignment outside of the normal work hours.

705.6 GENERAL OPERATION

At all times, except during emergency responses and pursuit driving by officers, department vehicles shall be operated in conformance with defensive driving tactics and with the provisions of the law relating to the operation of any motor vehicle. Department members are required to obey the law to the same extent and manner as required of any other person driving a motor vehicle. Department members must set an example for others in their driving habits and not subject themselves or the department to public criticism for violating the very laws that the department enforces upon the driving public. Members should always remember that the public expects a higher level of professionalism from the department members, even in driving habits.

Seatbelts should be worn by all occupants in all department vehicles at all times, unless tactical circumstances dictate otherwise.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Tualatin to provide assigned take-home vehicles.

706.2 POLICY

The Tualatin Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the Mobile Data Terminal indicating their respective vehicle number when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Assigned employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their assignment to that vehicle. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor.

All vehicles used in patrol operations are equipped with a police radio and emergency equipment as defined by Oregon Revised Statutes 816.250 and Oregon Administrative Rules 735-110-0010 through 735-110-0050. Vehicles with defective emergency equipment should be promptly reported to a supervisor and not used for patrol duties.

706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than scheduled field duties shall first notify the Shift Supervisor of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., Command Staff, Detectives), or to Property personnel assigned transportation duties to and from other facilities.

706.2.3 UNDERCOVER VEHICLES

Undercover units shall not be used without first obtaining approval from the respective unit supervisor.

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706.2.4 AUTHORIZED PASSENGERS
Personnel operating City owned vehicles shall not permit persons other than City employees, persons required to be conveyed in the performance of duty, or as otherwise authorized to ride as a passenger in their vehicle.

706.2.5 PARKING
City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.2.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES
The Patrol Sergeant shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.3 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.4 NON-SWORN MEMBER USE
Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members according to the collective bargaining agreement or at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Tualatin City limits.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member’s residence; the nature of the member’s duties, job description and essential functions; and the member’s employment or appointment status. Residence in the City of Tualatin is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Tualatin may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

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Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Division Commanders.
4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact

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weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

706.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Tualatin Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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706.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Patrol Sergeant on the shift assignment roster.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Patrol Division Commander.

706.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

707.2 POLICY

It is the policy of the Tualatin Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

707.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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707.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or WIN supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

707.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

708.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

708.2 POLICY

The Tualatin Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

708.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95 and OAR 437-002-0080.

708.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The employee shall ensure eye protection meets or exceeds the requirements provided in OAR 437-002-0134.

708.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

708.7 RESPIRATORY PROTECTION

The Support Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; OAR 437-002-0120):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

708.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; OAR 437-002-0120):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; OAR 437-002-0120):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; OAR 437-002-0120).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

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(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

708.7.4 SELF-CONTAINED BREATHING APPARATUS
Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

708.7.5 RESPIRATOR FIT TESTING
No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; OAR 437-002-0120).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; OAR 437-002-0120):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; OAR 437-002-0120):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

708.8 RECORDS
The Training Coordinator is responsible for maintaining records of all:

(a) PPE training.

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(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and OAR 437-002-0360.

708.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; OAR 437-002-0120).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; OAR 437-002-0120).

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Chapter 8 - Support Services

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Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

In the absence of specific written policy, the Tualatin Police Department follows best practices per the International Association of Property and Evidence (IAPE).

800.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

800.3 PROPERTY HANDLING

Any employee who first comes possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with completing the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

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800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property report describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right hand corner of the bag and initial and date all seals.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (Including paraphernalia as defined by Oregon Revised Statutes 475.525(2)) shall be booked using the form as described in the Property/Evidence Manual.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by a copy of the form.

800.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be transported to the Fire Department on a regular basis by the officer seizing the item.

Officers who encounter an explosive device shall immediately notify the immediate supervisor and/or Shift Supervisor. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal. In the event of military ordnance, the closest military unit shall be notified and they will be responsible for removal of the device.

Flammable liquids, corrosive or caustic chemicals or other potentially hazardous materials may not be stored in the property room. In most cases, they should not be taken into custody. Disposal is the responsibility of the owner. If the substance is to be tested for evidentiary purposes, a small sample should be taken using supplied sample bottles to be sealed in overpack containers.

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800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the property and evidence technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property and evidence technician, or placed in the bicycle storage area until a property and evidence technician can log the property

(d) All cash shall be counted in the presence of a another officer and the envelope initialed by the booking officer and the other officer. A Patrol Sergeant shall be contacted for cash in excess of $1,000 for special handling procedures

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 163A.005. The property and evidence technician will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

800.3.6 SEXUAL ASSAULT EVIDENCE

Officers who are investigating a sexual assault shall obtain the Sexual Assault Forensic Evidence, or S.A.F.E Kit from the attending physician or attending nurse and follow all procedures outlined in Policy § 615. Oregon House Bill 2154, relating to ORS 789, allows for the completion of a sexual assault exam without the authorization of law enforcement and/or the prior filing of a police report.

In accordance with this law, officers shall accept S.A.F.E Kits obtained by any medical facility within their jurisdiction, absent a police report being filed. In these circumstances, the officer shall obtain a case number and document the evidence in a special report, referring to the S.A.F.E Kit number and listing "Anonymous" as the victim.

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The evidence shall be secured in accordance to procedures outlined in Policy § 615 and retained in evidence for no less than 60 years after collection, in accordance with state law.

800.3.7 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The Tualatin Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by an authorized member of the department to ensure their proper collection and preservation. When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE Kit is available, the officer shall be responsible for the following:

(a) Respond promptly to the medical facility to retrieve the evidence.

(b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

(c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.

(d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

SAFE Kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.

(c) Property with more than one known owner

(d) Paraphernalia as described in ORS 475.525(2)

(e) Fireworks and other hazardous materials

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(f) Contraband

800.4.1 PACKAGING CONTAINER
Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room, however when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property tag shall be securely attached to the outside of the package of all items or group of items packaged together or to the inside of a clear plastic container if visible from the outside of the container.

800.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by a copy of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in clear plastic bags of appropriate size available in the evidence intake room and heat seal the packaging. The officer shall initial each sealed area withinitials and date. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container or to the inside of a clear plastic container if visible from the outside and the tag will not contaminate the evidence. The chain of evidence shall be recorded on the back of this tag.

800.5 RECORDING OF PROPERTY
The property and evidence technician receiving custody of evidence or property shall record his/her initials or signature, the date and time the property was received and where the property will be stored on the property control form.

Any changes in the location property held by the Tualatin Police Department shall be noted on the property control form.

800.6 PROPERTY ROOM SECURITY
Access to the Property Room is limited to property and evidence technicians unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a property and evidence technician.

Annual independent audits will be completed of the Property Room function with an audit report to the Chief of Police.

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800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence control form shall be completed to maintain the chain of possession.

Written requests for analysis made by the District Attorney's office will be completed on the appropriate forms by the property and evidence technician with the written request attached.

Any other requests for analysis will be assessed by Case Management for potential follow-up assignment.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control form and the request for laboratory analysis.

The property and evidence technician releasing the evidence must complete the required information on the property report and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be attached to the property/evidence form for filing with the case.

800.6.3 STATUS OF PROPERTY

Property being released for court or investigative purposes will be properly documented to maintain the chain of custody. Temporary release of property to officers for investigative purposes will be acknowledged on the property report with the signature of the officer the item is being released to, date and time.

Property being released for court will be accompanied by a Court Evidence Receipt. This receipt will be signed by the officer and returned with the evidence upon completion of the court appearance. If the property is retained by the court/DA, the officer will obtain the signature of the official taking control of the property and the form will be returned to the property and evidence technician.

800.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner with authorization from the investigating officer or the District Attorney's office. A property and evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control form, the form shall be retained in the closed property file.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

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Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

800.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA's office or the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a property and evidence technician will request a disposition authorization from the DA's office or the assigned officer or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Tualatin Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Tualatin Police Department may wish to file an interpleader to resolve the disputed claim (Oregon Rules of Civil Procedure § 31) .

800.6.7 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE PROTECTION ORDER MATTERS

If a protection order subject to the provisions of ORS 166.255 is terminated or expires without renewal, any firearms or ammunition surrendered pursuant to the order shall be returned upon the request of the respondent after the following actions are taken (ORS 166.257):

(a) Notify the Department of Justice of the request.

(b) Confirm that the protection order is no longer in effect.

(c) Confirm through a background check that the respondent is legally eligible to own or possess firearms and ammunition under federal and state law.

Return of the surrendered items will take place no earlier than 72 hours after the request was received (ORS 166.257).

Firearms and ammunition that remain unclaimed shall be disposed of in accordance with department policies and procedures for disposal of deadly weapons (ORS 166.540).

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800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor, detective, or investigating officer. Oregon Revised Statutes 98.245 and 98.336 govern the disposition of property held by law enforcement agencies.

800.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

Unclaimed Property - Personal property that was seized by the Tualatin Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Tualatin Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

800.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of Oregon Revised Statutes 98-245. Disposal may consist of:

(a) Destruction

(b) Sale at public auction

(c) Retention for public use

800.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Division Commander appointed by the Chief of Police who is not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by the new incoming Property & Evidence Technician and their supervisor to ensure that records are correct and all evidence/property is accounted for.

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Prescription Drug Drop Box

801.1 PURPOSE AND SCOPE

In order to assist citizens in safely disposing of unwanted medications and prescription drugs, a secure drop box has been installed in the lobby of the Tualatin Police Department adjacent to the window of the Records Division.

801.2 IMPOUNDING OFFICER PROCEDURES

Evidence technicians and the Support Services Supervisor shall have exclusive key access to the prescription drug drop box. The contents of the box will be checked on a regular basis by at least one evidence technician or the Support Services Supervisor and one additional staff member and emptied as necessary. It is the evidence technician or the Support Services Supervisor's responsibility to maintain personal control over the controlled substances and to submit them into evidence as follows:

(a) Inspect the contents for hazardous materials.

(b) Seal and weigh the container.

(c) Both parties present shall sign and date the seal.

(d) Log the container, including the weight, on a Property Evidence Report and submit it into evidence. A new case number will be used each time the drop box is emptied.

801.3 EVIDENCE TECHNICIAN PROCEDURES

STORAGE

(a) The sealed box will be stored in evidence using the normal procedures of evidence intake.

(b) The total weight of the box will be indicated on the box and property receipt.

(c) The seal will be signed and dated.

(d) The box will be placed in a designated area in the Evidence Room.

Acceptable Items Include:

- Prescription medications and samples
- Over-the-counter medications
- Vitamins
- Pet medications
- Medicated ointments
- Liquid medication in leak-proof containers

Non-acceptable Items Include:

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- Thermometers
- Sharps/syringes
- IV bags
- Bloody or other infectious waste
- Hydrogen peroxide
- Aerosol cans/inhalers
- EpiPens

DISPOSAL

The destruction of the contents of the drug drop box will follow the procedures as stated in the Property/Evidence Manual for the disposal of narcotics.

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Records Unit

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Tualatin Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Tualatin Police Department to maintain department records securely, professionally, and efficiently.

802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Division. Should an original report need to be taken out of the Records Section for any reason, the requesting employee shall first obtain authorization from the Records Supervisor or another supervisor if the Records Supervisor is not available. All original reports removed from the Records Division shall be recorded on the red "File Out" folder, which shall constitute the only authorized manner by which an original report may be removed from the Records Division.

802.3 RESPONSIBILITIES

802.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Support Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training, and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides
2. Cases involving department members or public officials
3. Any case where restricted access is prudent

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(h) Ensure that information is entered into the Oregon State Police Law Enforcement Data System (LEDS) from court orders received as required by Oregon law.

802.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Maintaining records of reports received from OSP of persons who are prohibited from possessing firearms attempting to purchase or otherwise procure them, and of the actions taken by the Department in response to those reports. Information and outcome of the actions taken by the Department shall be provided to OSP on or before Jan. 31 of each year as required by ORS 166.412 and ORS 166.436.

(h) Participating in the National Use of Force Data Collection of the Federal Bureau of Investigation by submitting statistical data (ORS 181A.663).

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, and accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Patrol Sergeant.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.5 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute, any record, file, or report, whether in hard copy or electronic file format, or any

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other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

802.6 REPORTING CRIME STATISTICS

Uniform Crime Reporting (UCR) codes shall be assigned to all crime reports in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. It is the responsibility of Records Unit personnel to enter such information into the Tualatin Police Department data system and ensure that such information is transmitted on a monthly basis to the Oregon State Police Law Enforcement Data System (LEDS) (ORS 181A.225).

802.7 LEDS AND NCIC VALIDATION

The Tualatin Police Department will validate any LEDS and NCIC entries as required by LEDS and NCIC. Validation will be accomplished by reviewing the original entry and current supporting documentation and by contact with any appropriate complainant, victim, investigator or other appropriate source or individual. In the event that the Tualatin Police Department is unsuccessful in contacting the victim, complainant, etc., or if the supporting documentation was accidentally destroyed by fire, flood, etc., a representative of the Tualatin Police Department will make a determination based on the best information and knowledge available whether to retain the entry in the file.

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Restoration of Firearm Serial Numbers

804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

804.2 PROCEDURE

Any firearm coming into the possession of the Tualatin Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tabular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document/photograph the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder, chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document/photograph important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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804.2.3 OFFICER RESPONSIBILITY
The property and evidence technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

804.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

804.2.5 FIREARM TRACE
After the serial number has been restored or partially restored by the criminalistics laboratory, the property and evidence technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or the data may be entered into the ATF eTrace system.

804.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to digitize and compare unique markings made by a firearm on bullets and cartridge casings recovered from crime scenes.

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Records Maintenance and Release

806.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

806.2 POLICY

The Tualatin Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law.

806.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORS 192.318; OAR 166-020-0010 et seq.):

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records (OAR 166-017-0005 et seq.; OAR 166-030-0005 et seq.).

(b) Maintaining and updating the department records retention schedule, including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring the availability of a current schedule of fees for public records as allowed by law (ORS 192.324(4); ORS 192.324(5)).

(g) Preparing and making available to the public a written procedure that includes the name of one or more individuals and address of where to send record requests to obtain department records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.324(7)).

806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

806.4.1 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records shall inform the requester in writing of that fact and state the

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reason for the denial. When the denial is pursuant to federal or state law, the specific law shall be provided to the requester (ORS 192.329).

When asserting that a record is exempt, the written statement of denial shall include a statement that the requester may seek review of the determination pursuant to Oregon Law as identified by ORS 192.329.

If the denial is challenged by the requester by petition to the District Attorney, the Department will have the burden to support the denial (ORS 192.415).

806.4.2 JUVENILE RECORDS

Juvenile records are treated differently from records of adults. When an officer submits a report in which the victim or suspect is a juvenile, the officer will check the "Juvenile" box on the first page of the report.

Except as defined in this section, reports involving juveniles are generally confidential and may not be released. Any requests for reports or records involving juveniles not specifically authorized by this policy should be referred to the County Juvenile Department (ORS 419A.255(2); ORS 419A.255(8)).

(a) If a youth is taken into custody under circumstances where he/she could be arrested without a warrant if an adult, or pursuant to an order of the Juvenile Court, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim (ORS 419A.255(7)):

1. The youth's name and date of birth and whether the youth is employed or in school.
2. The youth offense for which the youth was taken into custody.
3. The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted.
4. The identity of the investigating and arresting agency.
5. The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.

(b) Any additional information is kept confidential unless requested by one of the following (ORS 419A.255; ORS 419A.257):

1. Other public agencies for use in investigating or prosecuting cases in which the juvenile in question is somehow involved.
2. Department of Human Services, Child Welfare Division, Oregon Youth Authority or the local Juvenile Department.

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(c) Child abuse cases may only be made available to a law enforcement agency, local or state prosecutors, a child welfare agency or other entities as designated by law (ORS 419B.035).

(d) Court appointed special advocates (i.e., CASA volunteer or employee) will be permitted to inspect and copy any records held by this department relating to the child or ward involved in a case and members of this department may consult with the court appointed special advocate regarding the case. Consent of the child, ward or parents to the sharing of such information is not required (2012 Oregon Laws c107, §105).

806.4.3 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORS 192.324; ORS 192.329):

(a) Requests for public records shall be made in writing.

(b) The Department is not required to create records that do not exist.

(c) Within five business days of receiving a written request to inspect or receive a copy of a public record, the Custodian of Records or authorized designee shall acknowledge receipt of the request or complete the response to the request.

(d) A written acknowledgement shall advise the requester of one of the following:

1. The Department is the custodian of the requested record.
2. The Department is not the custodian of the requested record.
3. The Department is uncertain whether the Department is the custodian of the requested record.

(e) As soon as reasonably practicable but not later than 10 business days after acknowledgement of receipt of the request, the Custodian of Records shall:

1. Complete the response to the records request or;
2. Provide a written statement that the request is being processed and a reasonable estimated date by which the response should be completed based on the information currently available.

(f) A request for records is considered complete when:

1. Access or copies of the requested public records are provided to the requester or an explanation is provided to the requester where the records are publicly available.
2. A written statement is sent to the requester that an exemption exists and that access is denied.

(a) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted, and the unrestricted material released (ORS 192.338).

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy

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of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

3. A written statement is sent to the requester that the Department is not the custodian of records for the record requested.

4. A written statement that state or federal law prohibits the Department from acknowledging whether the record exists or would result in the loss of federal benefits or other sanctions. This statement shall include the state or federal law citation relied upon by the Department.

(g) If a fee is permitted under ORS 192.324(4) and the requester has been informed, the request is suspended until the requester has paid the fee or the Department has waived the fee. If the fee is not paid within 60 days of informing the requester of the fee or of the denial of the request for a fee waiver, the request shall be closed.

(h) If necessary, the Custodian of Records or the authorized designee may request additional information or clarification for the purpose of expediting the response to the request. The response to the request is suspended until the requester provides the requested information, clarification, or affirmatively declines to provide the information or clarification. If the requester fails to respond within 60 days, the request shall be closed.

(i) If the public record is maintained in a machine readable or electronic form, a copy of the public record shall be provided in the form requested, if available. If the public record is not available in the form requested, the public record shall be made available in the form in which it is maintained.

806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Personal identifying information of members including Social Security number, date of birth, telephone number, home address, email address, driver license number, employer-issued identification card number, emergency contact information, medical information, or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.345; ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

(c) Member identification badge or card as provided in ORS 192.371.

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(d) Information regarding a member working undercover and for the period of six months after the conclusion of those duties unless the member consents in writing or disclosure is required by law (ORS 181.672).

(e) A photograph of public safety personnel without the written consent of that member (ORS 181A.674).

(f) Personnel discipline action, including materials or documents supporting the action, unless allowed by law (ORS 181A.674; ORS 192.345(12)).

(g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.368; ORS 192.844).

(h) Certain juvenile records (ORS 419A.257).

(i) Certain ongoing investigation material for criminal law purposes (ORS 192.345(3)).

(j) Audio or video records of internal investigation interviews (ORS 192.385).

(k) Certain types of reports involving but not limited to child abuse (ORS 419B.035) and adult abuse (ORS 124.090; ORS 430.763; ORS 441.671).

(l) Records relating to pending litigation and to potential litigation that is reasonably likely to occur in which the Department is or will be named as a party (ORS 192.345(1)).

(m) Certain identifying information of an individual that has applied for, or is a current or former holder of, a concealed handgun license as provided in ORS 192.374.

(n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.345(18)).

(o) Any public records or information the disclosure of which is prohibited by federal law (ORS 192.355).

(p) Any public records or information the disclosure of which is prohibited or restricted, or made confidential or privileged under Oregon law (ORS 192.355).

(q) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order (ORS 192.398).

(r) Records of a person who has been in the custody of the Department are exempt from disclosure for 25 years after termination of such custody. Disclosure of the fact that a person is in custody is allowed (ORS 192.398).

(s) Audio or video recordings from an officer's body-worn camera. Such recordings may only be disclosed under the conditions provided by ORS 192.345(40), including facial blurring.

(t) Personal information of complainants and of officers who are the subject of bias-based policing complaints. "Personal information" means an individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number, or any other unique personal identifier or number (ORS 131.925; ORS 807.750).

(u) The identity of an individual or an officer from traffic or pedestrian stop data collected by the Department (ORS 131.935).

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(v) Information regarding the immigration status of any victim who is requesting certification for a U or T visa, or any documents submitted for U or T visa certification and any written responses to a certification request except where allowed by law (ORS 147.620).

(w) Images of a deceased person or parts of a deceased body that are part of a department investigation if public disclosure would constitute an unreasonable invasion of privacy of the deceased person's family (ORS 192.355).

1. A showing of clear and convincing evidence that public interest requires disclosure may overcome the restriction.

806.5.1 MEDICAL RECORDS, SEALED RECORDS, IN CUSTODY RECORDS AND STUDENT RECORDS

The following records are exempt from disclosure under ORS 192.496:

(a) Records that contain information about the physical or mental health, or treatment thereof, of a living individual; if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy.

(b) Records less than 75 years old that were sealed in compliance with statute or by court order. Such records may only be disclosed in response to a court order.

(c) Records of a person who is or has been in the custody or under the lawful supervision of a state agency, a court or a unit of local government, are exempt from disclosure for a period of 25 years after termination of such custody or supervision to the extent that disclosure thereof would interfere with the rehabilitation of the person if the public interest in confidentiality clearly outweighs the public interest in disclosure. Nothing in this subsection, however, shall be construed as prohibiting disclosure of the fact that a person is in custody.

806.5.2 CONDITIONALLY EXEMPT PUBLIC RECORDS

The following public records will not be released unless the public interest requires disclosure (Oregon Revised Statutes 192.501):

(a) Records pertaining to any litigation to which the Department is, or is likely to be a party except where litigation has been concluded.

(b) Any record pertaining to department operations or the use and deployment of personnel and equipment, if disclosure would endanger public safety or jeopardize a law enforcement activity.

(c) Records or information that would disclose or jeopardize security measures taken by the Department to protect department members, property, or operations.

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806.5.3 OTHER PUBLIC RECORDS EXEMPT FROM DISCLOSURE

The following public records are generally exempt from disclosure and absent a court order or other legal process shall not be released except with the expressed authorization of the Chief of Police or his/her designee (ORS 192.502 et seq.):

(a) Specific records containing the home address, personal telephone number, or e-mail address of any individual who has previously submitted a written request of non-disclosure in accordance with rules established by the Attorney General.

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy.

(c) Personal information of any member of or volunteer of this department including addresses, Social Security numbers, dates of birth and telephone numbers.

(d) Any public record or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon or Federal law.

806.5.4 PERSONNEL RECORDS

Certain information contained in personnel records is confidential and is also exempt from public disclosure. The following information shall not be released unless the public interest requires disclosure in the particular instance as determined by a court or other legal process (ORS 181.854; ORS 192.501(12); ORS 192.502(2)):

(a) Medical information contained in medical records and similar uniquely personal information which, if released, would constitute an unreasonable invasion of privacy.

(b) Records, materials, or documents supporting a personnel investigation that is pending or ongoing or has resulted in discipline of the involved employee.

(c) Photographs that identify an employee, unless the employee consents in writing.

(d) Audio or video records of internal investigation interviews (Ch. 485 Oregon Laws 2011).

Any release of such information must be reviewed by department legal counsel and approved by the Chief of Police. Although exempt from public disclosure, such records and information may be subject to discovery in civil or criminal proceedings or as detailed Ch. 485 Oregon Laws 2011. In such a situation, the Tualatin Police Department will oppose disclosure unless the court specifically orders the release.

806.5.5 CONCEALED HANDGUN LICENSE

Information contained in Concealed Handgun License applications or other files that contain personal, medical, or similar information, if public disclosure would constitute an unreasonable invasion of privacy, shall not be made public (ORS 192.502).

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No member of this department shall disclose records or information that identifies a person as a current or former holder of, or applicant for, a concealed handgun license, except as provided in the Oregon Public Records Law and OAR 137-004-0900.

806.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

806.6.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (ORS 802.181 and 18 USC § 2721).

806.7 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (ORS 137.225).

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Protected Information

808.1 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 Tualatin Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Tualatin 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.

808.2 POLICY

Members of the Tualatin 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.

808.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department 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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808.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Tualatin 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.

808.4.1 ACCESS TO OREGON STATE POLICE OFFENDER INFORMATION

Access to Oregon State Police (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).

808.4.2 BACKGROUND INVESTIGATIONS

To promote a safe environment for citizens and co-workers, the Tualatin Police may assist the Human Resource Director in conducting thorough background checks for individuals who seek employment with the City of Tualatin as a volunteer or in a paid position.

Applicants may be checked through the Oregon Law Enforcement Data System (LEDS) for criminal history. Information in this background check will not be shared with Human Resources. The background investigator will only recommend approval or denial, based upon the criminal records check and other elements of the background investigation.

Depending on the circumstances, the Tualatin Police may refer the Human Resource Director to the Oregon State Police Identification Services Sections, where the public criminal history record may be obtained for a fee.

The City of Tualatin requires CCH background checks to be performed on all businesses selling alcohol in the City upon initial application and annually upon renewal application.

Oregon State Police Law Enforcement Data System regulations allow agencies to make CCH inquiries using the purpose code L to make background checks for licensing purposes.

The Tualatin Police Records Unit will make CCH inquiries on all persons mentioned as associates to the business on liquor license applications. The Tualatin Police Department will make recommendations as to the suitability, based on the CCH responses, of the persons associated with the establishment requesting approval of a liquor license to the city manager.

808.5 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.

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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 Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department 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 Unit 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 department 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.

808.5.1 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 Department under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This department 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.

808.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department 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 Chief of Police and appropriate authorities.

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808.6.1 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).

808.7 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.

808.7.1 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 Department every two years (OAR 257-015-0050).

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Computers and Digital Evidence

810.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

810.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

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(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or if there is a possibility of necessary physical evidence on such accessories.

810.2.1 BUSINESS OR NETWORK COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners.

810.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

810.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request Property Control to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

810.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

810.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

810.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

810.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be downloaded and saved to a compact disc (CDR+/-) as soon as possible for submission into evidence. The officer is responsible for verifying that the images are properly transferred to the compact disc.

(b) Officers are not authorized to make copies for personal use. All photos and copies of files must be for investigative purposes only.

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(c) Officers shall write their name and the related case number on the compact disc and the outside of the compact disc envelope before placing in the evidence locker along with the evidence form.

(d) Officers requiring a copy of the digital files after submission into evidence must make a written request.

810.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

810.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Animal Control

816.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

816.2 THE ANIMAL SHELTER RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Animal Shelter and include the following:

(a) Animal-related matters during periods when the Animal Shelter is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Animal Shelter is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

816.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding personnel generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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816.3.1 IMPOUNDMENT OF ANIMALS DURING BUSINESS HOURS

CLACKAMAS COUNTY: In the event of an impoundment of a dog (no cats accepted) in Clackamas County during the normal operating hours of the Clackamas County Dog Shelter, Monday - Sunday non-holidays 9:30 am - 5:00 pm, and on County recognized holidays from 10:30 am - 3:30 pm, officers should transport the animal to the shelter and follow the direction of the on-duty shelter staff. The address of the Clackamas County Dog Shelter is 2104 Kaen Rd., Oregon City, OR 97045 and the contact phone number is (503) 655-8628.

WASHINGTON COUNTY: In the event of an impoundment of a dog or cat in Washington County during the normal operating hours of the Washington County Bonnie L. Hays Animal Shelter, Monday - Friday non-holidays 7:00 am - 6:00 pm and on Saturdays from 7:00 am - 5:00 pm, officers should transport the animal to the shelter and follow the direction of the on-duty shelter staff. The address of the Washington County Bonnie L. Hays Animal Shelter is 1901 SE 24th Ave., Hillsboro, OR 97123 and the main contact phone number is (503) 846-7041. The back line to reach a staff member in the event that the shelter doors are locked, but it is during operating hours is (503) 846-7043.

816.3.2 IMPOUNDMENT OF ANIMALS AFTER HOURS

(a) When conducting an after hours impoundment of a dog (no cats accepted) at the **Clackamas County Dog Shelter** , officers should adhere to the following procedures:

1. All dogs brought to the Clackamas County Dog Shelter after hours by an officer must be placed in an overnight holding run inside the building, if there is space available. There are typically at least three available overnight runs. When leaving the dog, the officer is to fully complete the impound information sheet and leave it clipped to the gate of the run in which the dog was placed, so that the shelter staff will be informed about the dog's condition

2. If there are already one or more dogs in all the overnight runs, the officer will not be able to leave the dog at the shelter at that time, but can bring the dog to the shelter for impounding during regular operating hours, when shelter staff are present, from Monday - Sunday non-holidays 9:30 am - 5:00 pm, and on County recognized holidays from 10:30 am - 3:30 pm.

3. Before impounding a dog with any visible injury (with or without bleeding), excessive panting, slobbering, appearing to be agitated, overly heated, vomiting, bleeding and/or diarrhea, the officer must take the dog for a veterinary assessment. The officer may transport the dog to an emergency veterinarian clinic within the metropolitan area for the assessment. If the veterinarian determines the dog is sufficiently stable to be held in an unattended shelter, the officer may transport the dog to the shelter and impound. (A copy of the veterinarian report must be attached to the impounding record.)

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(b) When conducting an after hours impoundment of a dog or cat at the **Washington County Bonnie L. Hays Animal Shelter**, officers should adhere to the following procedures:

1. All injured animals must be transported to Dove Lewis Emergency Clinic in downtown Portland or to Rock Creek Veterinarian Clinic on SW 185th in Beaverton. Critter Gitter will transport injured animals if needed. DO NOT LEAVE INJURED ANIMALS AT THE SHELTER.

2. Normal operating hours of the Washington County Animal Shelter are Monday - Friday non-holidays 7:00 am - 6:00 pm and Saturdays from 7:00 am - 5:00 pm. All dogs brought into the Washington County Animal Shelter after hours by an officer come in through the backyard gate at the rear of the building. The gate is electronic. Dispatch can furnish the officers the code for the gate upon request. There are three dog runs on the North side of the lot. Inside of the dog runs are forms hanging on the chain link fence in a plastic document holder. The form needs to be filled out by the officer as fully as possible and hung back on the kennel for the kennel attendant to read in the morning. The dogs may be left in any of the three kennels. Do not mix dogs that have not come in from the same source. Do not leave large dogs kenneled with small dogs even if they are from the same source. Please close all three latches on the kennels to prevent dogs from escaping. Do not place dogs into the large play yard behind the dog runs, as it is not secure. If all three kennels are full when you arrive please call (503) 209-3544 and a shelter tech will give you further instructions.

3. Please put cats into a plastic cat carrier before placing them into the dog kennel area. There are cat carriers stored on the West side of the parking lot. Pick one that is in good repair and has all of its screws tightened down (if applicable). It is advisable to load the cat into the carrier back end first. Cats are less likely to be frightened by that process. Cats are readily able to escape from the dog kennels if they are not inside a cat carrier.

If the animal that you are impounding has bitten a human please note that on the impound slip. Victim information is very important for health department requirements, please include that information if at all possible along with the date of the bite and any owner information if known.

816.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

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816.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

816.5.1 INJURED WILDLIFE

Injured wildlife should be referred to the Oregon Department of Fish and Wildlife or Oregon State Police, Fish and Wildlife Division.

816.6 POLICY

It is the policy of the Tualatin Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

816.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to those cited in ORS 133.379 (animal abuse, animal neglect).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

(c) Members who lawfully seize an animal shall comply with the notice requirements of ORS 167.345.

816.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

816.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

816.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

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816.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

816.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor or OIC.

816.13 RESCUE OF ANIMALS IN VEHICLES

A member who has a good-faith belief that entry into a motor vehicle is necessary because a domestic animal inside the vehicle is in imminent danger of suffering harm may enter the vehicle to remove the animal (ORS 30.813). Members should:

(a) Determine that the motor vehicle is locked or there is no other reasonable method for the animal to exit the vehicle.

(b) Make a reasonable effort to locate the owner before entering the vehicle.

(c) Take steps to minimize damage to the vehicle, using no more force than necessary to enter the vehicle and remove the animal.

(d) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(e) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(f) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Tualatin Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Tualatin Police Department prior to being released or transported to a housing or other type of facility.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Tualatin Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

900.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in the Temporary Holding Facility. They should be transported to the county jail, the designated medical facility or the county mental health facility as appropriate:

(a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.

(b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

(c) Any person suffering from a severe mental disorder.

(d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Facility.

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(e) A prisoner who is or may be contemplating suicide.

900.1.4 DETAINABLE PRISONERS

Prisoners who fall within the following classifications may be detained in the Tualatin Police Department Temporary Holding Facility with the approval of the Sergeant or OIC. Detainable prisoners include prisoners arrested and detained pending:

(a) Posting of bail (surety release under Oregon Revised Statutes 135.265)

(b) Release on Own Recognizance (Oregon Revised Statutes 135.245(3)

(c) Citation release per Policy Manual § 420, which is incorporated as a part of this manual

(d) Transportation to the County Jail

(e) In-custody interview or other investigation

900.1.5 FACILITIES - DEFINITIONS

Temporary hold - means a facility, the principal purpose of which is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility (Oregon Revised Statutes 169.005).

Lock-up - means a facility for the temporary detention of arrested persons held up to 36 hours, excluding holidays, Saturdays and Sundays, but the period in lockup shall not exceed 96 hours after booking.

900.1.6 INTOXICATED PERSONS

Any officer encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to him/herself or to any other person, shall transport the individual to the nearest appropriate treatment facility (ORS 430.399).

If the person is in need of medical attention, an ambulance should be summoned to transport the person to the nearest emergency room.

Any person who is arrested for a criminal offense and who is in need of emergency medical treatment due to drug or alcohol intoxication, or any other reason, shall immediately be taken to the nearest appropriate treatment facility.

900.1.7 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

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(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.8 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists.

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Patrol Sergeant shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours after removal to determine if the removal will be injurious to the health or safety of the prisoner.

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility.

900.1.9 ESCAPE PROCEDURES

In the event a prisoner escapes while being transported to or from the Tualatin Police Temporary Holding Facility or any facility or directly from secure custody at the Tualatin Police Department, the officer shall do the following:

(a) Immediately notify communications of the escape, including a description of the suspect.

(b) Evaluate the situation and use discretion before pursuing the suspect alone.

(c) Notify the immediate supervisor of the situation, and initiate steps to locate the suspect.

(d) If the suspect is apprehended, a complete and detailed report will be completed and forwarded to the shift supervisor.

(e) If the suspect in not apprehended, a complete and detailed report should be submitted to the DA's office for submission to the grand jury.

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900.2 POLICY

The Tualatin Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 PRISONER SUPERVISION AND CLASSIFICATION

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Tualatin Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported (ORS 169.105).

(b) Any individual who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated (ORS 430.399).

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (ORS 169.078). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

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If available, at least one female department member should be present when a female adult is in temporary custody.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION

It is the policy of the Tualatin Police Department Temporary Holding Facility to separate prisoners. Whenever practicable, males and females shall be separated in separate cells. Under special circumstances, multiple subjects can be placed together.

(a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state (including developmental disabilities) and sexual orientation and housed in order to provide for the safety of prisoners and staff.

(b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior and other criteria to ensure the safety of the prisoner and staff.

(c) During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The officer shall evaluate the prisoner for other signs or indications the prisoner may be suicidal. If there is any suspicion the prisoner may be suicidal, he/she shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet, etc.) that the suspect may be suicidal. The officer shall complete a suicide risk assessment form for every prisoner brought into the Temporary Holding Facility or to a County Jail.

    1. The prisoner will then be housed or transported.
    2. The completed suicide risk assessment form will be attached to the arrest report, booking forms and fingerprints as applicable.
    3. The prisoner's suicide risk assessment form should be retained in the prisoner's arrest file

900.3.4 TEMPORARY DETENTION OF JUVENILES

When a member of this department takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual § 324 is incorporated as a part of this manual and should be consulted regarding the policies and procedures for the temporary custody of juveniles.

All juvenile detentions will be logged per the provisions of Policy Manual § 324.

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900.3.5 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be an attempt to have at least one female employee who shall be available and accessible to the female prisoner(s). Whenever one or more male prisoners are in custody, there shall be an attempt to have at least one male employee who shall be available and accessible to the male prisoner(s).

In the event there is not a same sex employee readily available to conduct searches and hourly safety inspections, there should be a second officer available as a witness, if possible.

900.3.6 HANDCUFFING OF PREGNANT ARRESTEES

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.4 TEMPORARY HOLDING FACILITY SEARCHES

Immediately upon securing weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search their prisoners. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible.

Arrestee search procedures and policies are found in Policy Manual § 902.

900.4.1 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure an individual who is in temporary custody receives an explanation in writing, with interpretation into another language if requested, of the following (ORS 181A.823):

(a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.

(b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Tualatin Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

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(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Tualatin Police Department.

900.5.2 NONDISCRIMINATION

The Tualatin Police Department shall not deny services, benefits, privileges, or opportunities to an individual in custody based on a known or suspected immigration status, the existence of an immigration detainer, hold, notification, or other related federal immigration request, or a civil immigration warrant, except as required by law (ORS 181A.823).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs, generally should not be used for individuals in temporary custody at the Tualatin Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.6.2 NOTIFICATION

(a) Patrol Sergeant

(b) All available sworn personnel

(c) Fire Department

(d) Medical aid

(e) Facility Manager

(f) Facility Administrator

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900.6.3 EMERGENCY EVACUATION
When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.6.4 EVACUATION FORMATION AREA
All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 CITYWIDE OR REGIONAL DISASTERS
In cases of Citywide or regional disasters, the Patrol Sergeant may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.7 REPORTS
The Patrol Sergeant will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

900.7 PERSONAL PROPERTY
The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person’s signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Patrol Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Sergeant shall attempt to prove or disprove the claim.

900.7.1 TELEPHONE CALL PROCEDURES

All calls must be made collect, unless specifically authorized by the supervisor or a designee. Charges cannot be made to third-party numbers, motels, hotels, businesses or to credit cards. Prisoners may not participate in three-way or conference calls.

Directory assistance will be limited only by the limitations imposed by the telephone company. If a call cannot be completed because there is no answer or a line is busy, the inmate must hang up and try again later. Loitering near the telephones is prohibited.

Calls may be monitored for security purposes. Directly above each group of monitored telephones, a sign shall be posted stating in English and Spanish, "Phone calls are subject to being monitored and recorded."

Calls between an inmate and an attorney, a court or court official, any elected or appointed government official, a legal aid bureau or other agency providing legal services to prisoners will be made on a legal telephone and will not be monitored. Designated staff will schedule and place the telephone call and verify the identity of the person called. The staff person placing the call shall leave the immediate area where the call is being placed; however, the inmate may be kept under visual supervision by staff throughout the duration of the call.

Calls normally should not be terminated before the specified time limit, except when the nature of the conversation or the conduct of the prisoner indicates:

(a) Threats or plans of illegal action.

(b) Plans of activities that violate facility rules, endanger security or the safety of another human being.

(c) Plans to disrupt the operation of the facility.

900.7.2 ON-GOING TELEPHONE ACCESS

Once a prisoner has completed telephone calls provided under § 900.7 and it appears that the individual is not going to be released or transferred to another custodial facility, reasonable efforts should be made to provide the prisoner with access to a telephone, as practical. In providing further access to a telephone, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the prisoner's desire for further phone access.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

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The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes.

  (a) Safety checks should be at varying times.

  (b) All safety checks shall be logged.

  (c) The safety check should involve questioning the individual as to his/her well-being.

  (d)

  (e) Requests or concerns of the individual should be logged.

900.8.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. No additions or withdrawls from a prisoners money will be made during the short duration of the prisoner's stay in the Temporary Holding facility. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.8.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing and maintained with the case.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the property inventory form.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the property inventory form as notice of receipt of the prisoner's property.

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Any alleged shortage or discrepancy shall be brought to the attention of the Shift Supervisor or OIC who will interview the prisoner claiming the shortage prior to his/her release. The Shift Supervisor or OIC shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.8.3 INVENTORIES OF PERSONS IN CUSTODY

(a) An officer will inventory the personal property of a person taken into police custody and such inventory will be conducted whenever:

1. Such person will be either placed in the secure holding facility or transported in the secure portion of a police vehicle;or
2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460, or such other lawfully approved facility for involuntary confinement of persons pursuant to oregon Revised Statute.

(b) The Purpose of the inventory of a person in police custody will be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property;
2. Fulfill the requirement of ORS 133.455 to the extent that such statute may apply to certain property held by the officer for safekeeping;
3. Assist in the prevention of theft of property;
4. Locate toxic, flammable or explosive substances;
5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or
6. Reduce the danger to persons and property.

(c) Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:

1. An inventory will occur prior to placing such person into the temporary holding facility or a police vehicle, whichever occurs first. However, if there is reasonable suspicion to believe the safety of the officer, officers, the person in custody or any other person is at risk, an inventory will be done as soon as is safely practical prior to the transfer of custody to another officer, into a police vehicle, and/or to another law enforcement agency or facility.
2. To complete the inventory of the personal property in the possession of such person, the officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers, (a container which is unsecured or

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incompletely secured in such a fashion that the container's contents are exposed to view), in the possession of such persons.

3. Closed containers located within the personal property of such persons will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for or likely to contain money or small valuables, or closed containers which are designed for hazardous materials.
4. All items of personal property will be securred in the temprary holding facility or in the police vehicle. No personal property will be retained by any such person in police custody
5. Valuables found during the inventory process will be noted by the officer in a report as directed by the Tualatin Police Department
6. Release of personal property shall be pursuant to § 900.82

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Tualatin Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Patrol Sergeant, Chief of Police and Investigation Division Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

900.9.1 SECURITY

(a) At no time are firearms, deadly weapons, or any type of explosive device permitted within the confines of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside the entrance to the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager, or Shift Supervisor.

(b) Temporary Holding Facility doors are to be kept locked at all times except during routine cleaning when no prisoners are in custody or in the event of an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

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(d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in that area.

(e) Restraint devices such as handcuffs, flex-cuffs, belly-chains and leg restraints will be used in accordance with existing department policy.

(f) Use of the leg restraint device or other restraints will only be used upon approval of the Shift Supervisor and in accordance with Policy Manual § 306 that is incorporated as a part of this manual.

(g) All personnel shall comply with all department use of force directives, including Policy Manual § 300, incorporated herein.

900.9.2 RECEIPT OF PRISONERS

The arresting and or booking officer should:

(a) Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible

(b) Inventory and record all property removed from the prisoner's person

(c) Secure property for safekeeping

(d) Remove all hazardous items from the prisoner's person

(e) Remove belts, shoes and jackets

(f) Complete the prisoner suicide risk assessment form. The arresting officer will seek approval from his or her supervisor regarding the decision to keep the prisoner or transport.

(g) Complete the Tualatin Police Department booking form or County Intake Form.

(h) Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only.

900.9.3 PRISONER FOOD SERVICE

(a) The Tualatin Police Department maintains no food service for prisoners. Due to the humanitarian concerns of the Department and it's members, Officers will use their best judgement and confer with supervisors in the event they believe, based on the totality of the circumstances, that their prisoner should be fed.

(b) Prisoner food will be purchased from local restaurants or vending sites.

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900.9.4 ATTORNEYS

(a) Attorneys who need to interview a prisoner should do so inside the Temporary Holding Facility in the secure interview room.

(b) Both the attorney and prisoner should be searched for weapons prior to being admitted to the Temporary Holding Facility interview room and again after leaving.

(c) Attorneys must produce a current Oregon BAR card as well as other matching appropriate identification.

(d) Interviews between attorneys and their clients shall not be monitored or recorded.

900.9.5 RELEASE OF PRISONERS

(a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.

(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/she may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(d) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All reports and forms shall be completed prior to release.
2. All posted security funds are accounted for.
3. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
4. The appropriate Temporary Holding Facility Log will be completed showing the date, time, and reason for release, as well as the releasing officer's name.
5. Notifying Dispatch of the prisoner's release.
6. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.6 FACILITY SANITATION AND MAINTENANCE

The Shift Supervisor should inspect the Temporary Holding Facility at least once each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the facility manager.

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900.9.7 DEATH OR SERIOUS INJURY OF A PRISONER

In the event of a serious injury or death of a prisoner while in custody of this department, the Chief of Police shall be notified immediately. The Chief of Police will designate whom or what agency will conduct the investigation. The medical examiner shall certify the cause and manner of all prisoner deaths occurring while the prisoner is incarcerated in any jail, correction facility or in police custody. In all cases involving the serious injury or death of a prisoner, the Shift Supervisor shall be notified and he/she will make the appropriate additional notifications as directed in the Temporary Holding Facility Manual.

900.10 PRISONER MEDICATIONS AND HEALTH CARE

Pursuant to section 900.13, officers should not bring medically impaired indiviuals into the Temporary Hoilding Facility. In the event that such a condition is not known to the arresting or booking officer at the time of intake, or if such a condition is announced by the prisoner while in custody of the Temporary Holding Facility, the officer shall promptly summon medical aid from Tualatin Valley Fire and Rescue.

Paramedics from TVF&R will be admitted to evaluate and, if necessary, treat and/or transport sick prisoners. The paramedics will be escorted at all times while in the secure areas of the Temporary Holding Facility.

Officers of the Tualatin Police Department shall not adminster any medications to prisoners except under emergency conditions and using the officer's best judgement. In these circumstances, the officer will also promptly summon medical aid from TVF&R.

In any situation that involves a prisoner with a medical emergency, the officer will promptly, as soon as practical, notify the Sergeant or OIC, who will be responsible for notifying the Facility Manager and the Facility Adminstrator.

Officers will document all of the details of any of these circumstances on the appropriate police reports with copies forwarded through the chain of command.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Tualatin Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.2 POLICY

Frisk or Pat-Down Search - This is the type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners (Oregon Revised Statutes 131.605).

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Tualatin Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

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Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.5 STRIP SEARCHES

No individual in temporary custody at any Tualatin Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Tualatin Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Patrol Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

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(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Patrol Sergeant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

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(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Patrol Sergeant's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Training Coordinator shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 CLOSED CONTAINER SEARCHES

Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

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Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Tualatin Police Department Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Tualatin Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Tualatin Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Tualatin Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Tualatin Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Sergeant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Patrol Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Patrol Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Tualatin Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Patrol Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Tualatin Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.

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- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Tualatin Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.1.1 JOB DESCRIPTIONS

The City of Tualatin's Human Resources Department will establish and maintain job descriptions for all positions within the Tualatin Police Department. The Human Resources Department, in conjunction with the Tualatin Police Department Administration, will conduct a periodic review and update of all police department related job descriptions.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Tualatin Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 SELECTION PROCESS

(a) The selection process for sworn officer candidates for the Tualatin Police Department may include the following components:

1. A written test demonstrating a 12th grade reading and writing level in the English language
2. Supplemental questionnaire
3. Physical Ability Test (ORPAT)
4. Oral interview board
5. A Comprehensive Background Investigation
6. Psychological Exam
7. Physical Exam Minimum requirements mandated by Oregon Department or Public Safety Standards & Training (Oregon Administrative Rules 259-008-0010(8))

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8. Drug screen
9. Physical and psychological examinations will be conducted as the final step in the selection process, after a conditional job offer is communicated.

(b) The selection process for non-sworn positions for the Tualatin Police Department may include the following components

1. Skill testing demonstrating proficiency in written and oral communications, and various tasks associated with the specific job applied for
2. Supplemental questionnaire
3. Oral interview board
4. A Comprehensive Background Investigation
5. Drug screen

1000.3 RECRUITMENT

The Support Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Support Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

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(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)

1. The personnel records of any applicant for officer or reserve officer shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (ORS 181A.667).

2. Employment information from another law enforcement agency is confidential and may not be disclosed except as provided in ORS 192.355. The information received may only be used for investigative leads and shall be independently verified (ORS 181A.668).

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320

(g) Local, state, and federal criminal history record checks

(h) Medical and psychological examination (may only be given after a conditional offer of employment)

(i) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Tualatin Police Department (OAR 259-008-0015).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

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1000.5.2 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private, or protected information, the Support Division Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Support Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Support Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

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- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

(a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date

(b) Be at least 21 years of age

(c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(d) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
4. Any offense that would subject the candidate to a denial or revocation of a peace officer license

(e) Meet the moral fitness standards

(f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree

(g) Complete a medical examination

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(h) Meet the physical standards requirements

(i) Complete a psychological screening (ORS 181A.485)

(j) Complete a law enforcement skills proficiency test

1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the minimum standards established by DPSST, including the following (OAR 259-008-0011; OAR 259-008-0300):

(a) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(b) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
4. Any offense that would subject the candidate to a denial or revocation of a telecommunicator license

(c) Meet the moral fitness standards

(d) Possess a high school diploma, GED equivalent, or a four-year advanced degree

(e) Complete a medical examination

(f) Meet the physical standards requirements

1000.8 PROBATIONARY PERIODS

The Support Division Commander should coordinate with the Tualatin Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Department and the employee giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall be sent to a supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment. Supervisory courses for sworn members must be approved by DPSST.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officers Policy.

1002.3.1 CIVILIAN/PROFESSIONAL STAFF EVALUATIONS

Civilian/Professional staff employees will be evaluated as outlined in the City of Tualatin Personnel Policy **No. 8-86** and Tualatin Personnel Policy **No. 1-86** . Evaluations will also comply with the Collective Bargaining Agreement between the City of Tualatin and the Tualatin Employees Association **Article 28**.

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1002.3.2 SWORN PERSONNEL EVALUATIONS

All sworn personnel will be evaluated as outlined in the City of Tualatin Personnel Policy **No. 8-86** and Tualatin Personnel Policy **No. 1-86** **.** Evaluations will also comply with the Collective Bargaining Agreement between the City of Tualatin and the Tualatin Police Officers Association (TPOA) **Article 12**.

1002.4 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the employee comments section of the performance evaluation report.

1002.5 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given. The Chief of Police shall conduct the final review of the evaluation and cause it to be transmitted to human resources.

1002.6 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the City Human Resources Director for the tenure of the employee's employment. A copy will be given to the employee and a copy will be placed in the Police Department Supervisory File until the next evaluation is completed.

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Promotional and Transfer Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion or transfer within the ranks of the Tualatin Police Department and the processes to be followed.

1004.1.1 DEFINITIONS

Promotion ''' Advancement as a result of selection, based on a competitive process, for a permanent position identified by a separate job description and a separate and higher pay range than the position previously held.

Transfer ''' Assignment to a different shift, work assignment or duty station. Although the duration of the assignment may vary, it generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of premium pay to a particular assignment based on special skills or hazardous duty does not alter the temporary nature of the assignment and does not constitute a promotion.

1004.1.2 SWORN NON-SUPERVISORY ASSIGNMENTS

The following positions are considered transfers and are not considered promotions:

(a) School Resource Officer

(b) Detective

(c) Traffic/Motorcycle Officer

(d) Community Response Unit Officer

1004.2 GENERAL REQUIREMENTS

The following considerations will be used in evaluating employees for promotion or transfer to a specialty assignment:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity.
2. Stress tolerance
3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership
6. Initiative
7. Adaptability and flexibility.

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8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2.1 DESIRABLE QUALIFICATIONS

(a) The following qualifications apply to consideration for **Transfer** :

1. Achieved Solo-Status with Field Training Evaluation Program (FTEP).
2. Preferably off probation
3. Has shown an expressed interest in the position applied for
4. Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
5. Complete any training required by the Department of Public Safety Standards and Training or law.

(b) The following qualifications apply to consideration for **Promotion** :

1. Achieved Solo-Status with Field Training Evaluation Program (FTEP).
2. Successfully completed probationary period
3. Meets the general requirements as outlined in Policy Manual 1004.2.
4. Education, training, and experience related to the promotional assignment

1004.3 TRANSFER - SPECIAL ASSIGNMENT SELECTION PROCESS

Vacancies and special assignments that are to be filled on other than a temporary basis shall be posted on departmental bulletin boards for at least ten (10) days prior to filling.

The following criteria apply to **Transfers** .

(a) Employees wishing to be considered for such posted positions shall submit the application materials required of all applicants and particpate in a testing process established by the City.

(b) A testing process will be established by a Division Commander based on the number of qualified applicants for each position.

(c) A Supervisor review will be conducted as determined by the Chief of Police. This shall include a review of testing process. Each supervisor who has supervised or otherwise been involved with the candidate will provide feedback to the other supervisors during this process.

(d) The supervisor review will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate if necessary.

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(e) Based on the supervisor review and the feedback from the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.

(f) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1004.4 PROMOTIONAL SELECTION PROCESS

Specifications for promotional opportunities are on file with the Tualatin Department of Human Resources. **Promotions** will be determined in accordance with the following procedures:

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate within the past 12 months will submit these recommendations.

(b) The selection process may include any of the following components depending on the position being filled, the job requirements and the skills needing to be evaluated:

1. Written exam
2. Oral Board
3. Peer Review
4. Psychological Evaluation
5. Specific skill testing
6. Assessment Center
7. Interview with the Division Commander(s)
8. Interview with the Chief of Police

The Chief of Police will make the final selection.

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Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. This department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED

For the purposes of this procedure a grievance is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation, or application of any department policies or City rules and regulations covering personnel practices or working conditions, by the affected persons.

Grievances may be brought by an individually affected employee or by a group representative.

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy federal, state, or local law, as set forth in the Personnel Complaints Policy.

1006.1.2 DUPLICATE PROCEDURES

The grievance procedures set forth in this policy shall not be used in addition to other grievance procedures as may be in effect through the governing jurisdiction or the eligible employee's collective bargaining agreement.

Under no circumstances shall more than one administrative process be used to redress the same grievance, although use of this or other procedures does not preclude employees from seeking legal remedies as appropriate.

1006.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division or division.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

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(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

   (a) The basis for the grievance (i.e., what are the facts of the case?)

   (b) Allegation of the specific wrongful act and the harm done.

   (c) The specific policies, rules or regulations believed to have been violated.

   (d) What remedy or goal is sought by this grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Support for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager’s office to monitor the grievance process.

1006.5 ANNUAL REPORT OF GRIEVANCES

A Division Commander will create a report to the Chief of Police no later than January 15 of every year that lists the grievances filed within the calendar year. The report will include the basis of the grievances, the findings of the grievances, and an analysis to determine trends or patterns of issues that could be remedied through training, policy modification, or correction of personnel performance.

The report should not contain any identifying information from any individual grievance. The Division Commandershould promptly notify the Chief of Police if the report identifies any policy manual content that may warrant a critical revision.

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Anti-Retaliation

1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1008.2 POLICY

The Tualatin Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resource Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1008.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1008.7 WHISTLE-BLOWING

Oregon law protects employees who disclose or threaten to disclose information that the employee reasonably believes is evidence of (ORS 659A.203):

(a) A violation of federal, state, or local law, rule, or regulation.

(b) Mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

(c) A person who is receiving public assistance is subject to a felony or misdemeanor warrant.

Employees are encouraged to report such violations or disclosures of information through the chain of command (ORS 659A.221; ORS 654.062).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

1008.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Arrests, Convictions, and Court Orders

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Tualatin Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Oregon and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ORS 107.095(5); ORS 166.255; ORS 166.270; ORS 166.527).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

OAR 259-008-0300 prohibits any person convicted of a felony and certain other crimes from being a peace officer in the State of Oregon. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1010.4 REPORTING

All members and all retired officers with identification cards issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if they become the subject of a domestic violence restraining order or any court order

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that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable DPSST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1010.5 DEPARTMENT OF PUBLIC STANDARDS AND TRAINING (DPSST) NOTIFICATION

An officer or dispatcher who is arrested or who receives a criminal citation to appear, or its equivalent, shall notify DPSST in writing within five business days of the following (OAR 259-008-0010; OAR 259-008-0011):

(a) The date of the arrest or citation

(b) The location of the arrest or citation

(c) The reason for the arrest or citation

(d) The arresting or citing agency

1010.6 POLICY

The Tualatin Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

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Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 SCREENING TESTS

A supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

(d) During the performance of the employee's duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

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(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member’s confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement (ORS 653.606; ORS 653.611).

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Oregon Family Leave Act, or leave related to protections because of domestic violence, harassment, sexual assault or stalking (29 USC § 2601 et seq.; ORS 659A.150 et seq.; ORS 659A.270 et seq.).

1014.2 POLICY

It is the policy of the Tualatin Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (ORS 653.616; OAR 839-007-0020).

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

1014.3.1 NOTIFICATION

All members should notify the Patrol Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts or as soon as practicable when there are extenuating circumstances. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (ORS 653.621; OAR 839-007-0040).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence. The member shall make a reasonable attempt to schedule the use of sick time so that it does not disrupt the operations of the Department (ORS 653.621; OAR 839-007-0040).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1014.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resource Director as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

1014.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (ORS 653.626; OAR 839-007-0045).

Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days (ORS 653.626; OAR 839-007-0045).

1014.6 REQUIRED NOTICES

The Human Resource Director shall ensure that each employee is provided written notice of the following (ORS 653.631; OAR 839-007-0050):

(a) Accrued and unused sick time available at least quarterly.

(b) The sick leave provisions of the Oregon sick leave law as provided in ORS 653.601 et seq.

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Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Tualatin Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY

The Tualatin Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Complying with the Oregon Safe Employment Act (ORS 654.001 et seq.).
2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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3. Exposure control mandates in 29 CFR 1910.1030 including bloodborne pathogen precautions (OAR 437-002-0360).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Division (OR-OSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; OAR 437-002-0360):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1016.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; OAR 437-002-0360).

Other preventive, no-cost immunizations shall be provided to members who are at risk of contracting a communicable disease if such preventive immunization is available and is medically appropriate. A member shall not be required to be immunized unless such immunization is otherwise required by federal or state law, rule or regulation (ORS 433.416).

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; OAR 437-002-0360):

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

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1016.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; OAR 437-002-0360).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; OAR 437-002-0360).

1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Contacting the Oregon Health Authority to seek voluntary consent for source testing for HIV (ORS 433.065).

(c) Petitioning for a court order to compel source testing for HIV or other communicable diseases as defined by ORS 431A.005, if a good faith effort to obtain voluntary consent is requested from the source person and not obtained (ORS 433.080; ORS 431A.570).

(d) Working with the district attorney if the person is charged with a criminal offense that may involve exposure to a communicable disease (ORS 135.139).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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1016.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; OAR 437-002-0360):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Automatic External Defibrillator (AED) Program

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the required resources, training, and procedures necessary to implement and maintain the automatic external defibrillator program for the City of Tualatin Police Department.

1017.2 DEFINITIONS

AED: Automatic External Defribillator

ALS: Advanced Life Support

CPR: Cardio-Pulmonary Resuscitation

EMS: Emergency Medical Service

1017.3 POLICY

The Tualatin Police Department strives for excellence in customer service and is dedicated to the safety and well being of the community. The intent of this policy is to provide the resources and framework allowing Department personnel to respond to cardiac emergencies with potential life-saving intervention.

The scope of this policy will include AED deployment procedures, training requirements, product location, EMS notification, medical supervision, and all the necessary activities to conform to the following:

- Oregon Senate Bill 313, effective 6/04/99

- American College of Emergency Physicians Guidelines, policy number 400274

- Current Recommendations of the American Heart Association

1017.4 TRAINING

Only employees who have fulfilled the requirements and are certified through an approved CPR / AED training course will be eligible to deploy the device in accordance with the manufacturer's operational guidelines and Department Policy. The Department will provide training / re-certification courses annually for all employees. This training will also include a review of policy, procedural changes, and a review of AED deployments that have occurred over the past year.

1017.5 AED DEPLOYMENT

The Department will assign AEDs for employee use as available. Any Police Department Supervisor may reassign AEDs as deemed necessary. Anyone reassigning an AED needs to notify the AED Program Administrator as soon as possible.

When AEDs are assigned for use by the Patrol Division, all available units should be checked out and put "on the road" by on-duty Officers.

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Officers carrying an AED shall perform a check of the AED at the beginning of their shift, as trained, and in accordance with manufacturers recommendations.

Tualatin Police Employees with current CPR/AED certification are capable of responding to any situation requiring resuscitation. Contact with such patients may occur within the course of ones regular duties, or as result of a dispatched call for medical aid. However, if such contact occurs, employees need to ensure that Advanced Life Support (ALS) Personnel are responding, and care for the conditions they find within the scope of their training. Once initiating care, employees will continue until they are relieved by ALS Personnel or the scene becomes unsafe.

Following deployment of an AED (pads applied to a patient), it needs to be removed from service and notification given to the AED Program Administrator.

1017.5.1 DOCUMENTATION OF AED DEPLOYMENT

When a Tualatin Police Employee deploys an AED they must complete a Report and an AED Use Report. The Report should document the details of the incident not appearing on the AED Use Report to include but not limited to: patient identity, witnesses, circumstances, actions taken, ALS unit patient care was transferred to, and name of the lead paramedic on that unit.

1017.6 AED PROGRAM ADMINISTRATION

In order to equip Employees with AEDs and offer this service to the community, the City of Tualatin Police Department has entered into an agreement with the Washington County Emergency Medical Services Office to provide medical oversight. In order to maintain this agreement, the Tualatin Police Department must fulfill certain requirements.

The Chief of Police shall appoint an AED Program Administrator. It is the responsibility of the AED Program Administrator to liaison with Washington County Emergency Medical Services Office and ensures that the Tualatin Police Department is in compliance with all agreements, regulations, and policies regarding Department use of AEDs.

1017.7 MEDICAL OVERSIGHT

This policy and any future procedural changes must be reviewed and approved by the Washington County Emergency Medical Services (EMS) Office Medical Director. Documentation of AED deployments must be forwarded immediately to the EMS Office for review. This documentation should include all reports completed by involved officer(s) and the event record as recorded by the AED. The EMS Office will review all events and provide support to the Police Department as needed.

1017.8 RECORD KEEPING

The Tualatin Police Department will maintain the following records:

- Employee CPR/AED certifications
- All training records
- AED deployment records and associated documentation

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- Current AED Policy
- Authorized AED user list
- Current location of the device(s)
- Any audit reports
- Annual review records
- Current product information: manufacturer, model, serial number, date of purchase, maintenance, and inspection records.

1017.9 EQUIPMENT

The Washington County Emergency Medical Services Office must approve any devices to be used under this policy. Only an approved medical device that is capable of recognizing the presence or absence of ventricular fibrillation, rapid ventricular tachycardia and is capable of determining without intervention by an operator whether defibrillation should be performed, and automatically charges and allows delivery of an electrical impulse will be utilized. Additional features/requirements must be approved by the medical advisor.

Department AEDs will be cataloged in inventory records and will be distributed at the beginning of each shift to those employees that are trained and certified in their use.

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Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Tualatin Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Tualatin Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORS 433.845; ORS 433.850).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Tualatin Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

Visitors and the public shall not be allowed to smoke in any department facility (ORS 433.845).

1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is posted at each entrance and exit to the department facilities (ORS 433.850; OAR 333-015-0040).

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Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Tualatin Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY

The Tualatin Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Patrol Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1020.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1020.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

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1020.5.1 COMPLAINTS ALLEGING PROFILING
Complaints related to profiling should be clearly marked to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

1020.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1020.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    1. The original complaint form will be directed to the Patrol Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Patrol Sergeant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Sergeant and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Patrol Sergeant for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Patrol Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.

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(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

(k) Providing the complainant with periodic updates on the status of the investigation, as appropriate.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to public safety officers covered by the provisions of ORS 236.350 through ORS 236.360 (ORS 236.370).

(a) Interviews of an accused public safety officer shall be conducted during reasonable (normal waking) hours and preferably when the public safety officer is on-duty, unless the seriousness of the investigation requires otherwise. If the public safety officer is off-duty, the public safety officer shall be compensated.

(b) Unless waived by the public safety officer, interviews of an accused public safety officer shall be at the Tualatin Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused public safety officer.

(d) The interviewers shall inform the public safety officer of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.

(e) Prior to any interview, a public safety officer should be informed of the nature of the investigation and of facts reasonably sufficient to inform the public safety officer of the circumstances surrounding the allegations under investigation.

(f) All interviews should be for a reasonable period and the public safety officer's personal needs should be accommodated.

(g) No public safety officer should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(h) Any public safety officer refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

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1. A public safety officer should be given an order to answer questions in an administrative investigation that might incriminate the public safety officer in a criminal matter only after the public safety officer has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the public safety officer may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from a public safety officer may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(i) The interviewer should record the interview and the public safety officer may also record the interview. If the public safety officer has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the public safety officer prior to any subsequent interview.

(j) All public safety officers subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved public safety officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) In a disciplinary or administrative investigation, the public safety officer's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the public safety officer to the representative for purposes of the representation.

(l) As soon as it is determined that the public safety officer may be charged with a criminal offense, the public safety officer shall be informed of the public safety officer's right to consult with criminal defense counsel with respect to the criminal charge.

(m) All public safety officers shall provide complete and truthful responses to questions posed during interviews.

(n) No public safety officer may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

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Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1020.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.5 COMPLETION OF INVESTIGATIONS

The Support Supervisor shall ensure that investigations are completed and public safety officers are provided notification of intended discipline no later than six months from the date of the first interview. The Chief of Police or the Support Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the Department gives written notice explaining the reason for the extension to the public safety officer and the public safety officer's chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

(a) The investigation involves a public safety officer who is incapacitated or unavailable.

(b) The investigation involves an allegation of workers' compensation or disability fraud by the public safety officer.

(c) The public safety officer, in writing, waives the limit.

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(d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.

(e) The investigation involves more than one public safety officer and requires a reasonable extension of time.

(f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.

(g) The investigation involves a matter in civil litigation in which the public safety officer is a named defendant or the public safety officer's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.

(h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

1020.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1020.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.8.1 ANNUAL REVIEW OF COMPLAINTS

An annual review will be conducted on all personnel complaints.

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1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Tualatin Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1020.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1020.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint and may provide a written summary of the information obtained in the investigation as the Chief of Police finds necessary to explain the action taken (ORS 181A.674).

If the complaint is related to profiling, the complainant shall be notified in writing with a statement of the final disposition within a reasonable time after the conclusion of the investigation (ORS 131.920).

1020.10.4 PRESUMPTIVE DISCIPLINARY SANCTIONS

For officers, the Chief of Police shall impose the presumptive sanction for the types of misconduct described in OAR 265-010-001 et seq. but may depart from the presumptive sanction through application of the prescribed aggravating or mitigating factors (OAR 265-005-0030; OAR 265-010-0035). The Chief of Police shall document the decision to impose a sanction other than the presumptive sanction, including the reasoning and any aggravating or mitigating factors (OAR 265-005-0030).

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

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(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1020.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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1020.16 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve officers or dispatchers will be investigated as outlined in this policy. The Chief of Police or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

1020.17 NOTIFICATION TO THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

The Chief of Police or the authorized designee should ensure DPSST is notified as follows:

(a) When an investigation of misconduct under ORS 181A.681 results in a sustained finding (ORS 181A.683).

(b) Within 10 days of a final discipline that includes an economic sanction with the following information (ORS 181A.686):

1. The name and rank of the officer disciplined.
2. The name of the Tualatin Police Department.
3. A copy of any final decision including the underlying facts and the imposed discipline.

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Safety Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (ORS 811.210).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints. In unusual circumstances where it is unsafe or impractical to do so, prisoners may be transported without the use of safety belts (ORS 811.215(6)).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1022.4 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1022.5 POLICY

It is the policy of the Tualatin Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.6 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORS 811.210).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1022.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1022.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy.

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Body Armor

1024.1 PURPOSE AND SCOPE

Practical safety measures should be used to reduce the risks and hazards associated with police work. The Department provides soft body armor for personnel in an effort to improve safety.

1024.2 POLICY

Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and serious injuries.

Soft body armor vests will be of an appropriate make, manufacture and NIJ Certification to contain or defeat the ammunition that officers of the Department carry in their duty handguns.

1024.2.1 USE OF SOFT BODY ARMOR

The Department encourages all onduty officers to wear soft body armor. All uniformed officers are required to wear their soft body armor while on duty. It is encouraged for officers to wear body armor with Class A uniforms. However, it is optional for officers to wear body armor with Class A uniforms under the following conditions:

(a) When attending a memorial service

(b) When attending a graduation ceremony

(c) Participating in a swearing-in ceremony

(d) Council meetings

(e) As approved by the Chief of Police

Soft body armor use is required in some other instances. When officers are assigned to a high risk operation, stakeout, service of felony arrest warrant(s), or, are serving a search warrant at a location where there is reason to believe a felony suspect may be present, the wearing of body armor is mandatory.

Body armor must be either department-issued or department-approved.

A stakeout, for purposes of this section, is a preplanned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

Non-uniformed officers, such as detectives, CRU officers, and administrative staff should carry soft body armor in their department issued vehicle and wear such armor if responding to a potentially dangerous situation and time allows the officer to put on the body armor.

1024.2.2 CARE OF SOFT BODY ARMOR

Officers are responsible for regular care, cleaning, and inspection of their soft body armor to include regular washing of the exterior carrier. Any wear or defects should be promptly reported to a supervisor.

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Body Armor

The department will replace soft body armor on a regular industry-standard cycle.

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Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Oregon (ORS 181A.830; ORS 192.355; ORS 652.750).

1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (ORS 652.750).
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment (ORS 652.750). Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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1026.4 SUPERVISORY FILE

Supervisory files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The supervisory file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. Any adverse comments shall be provided to the officer prior to being placed in the file in accordance with ORS 652.750.

1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; education; and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1026.6 THRESHOLD EVENT FILES

Threshold event files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the threshold event file:

- Not sustained
- Unfounded
- Exonerated

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

(f) Drug testing records.

Medical records relating to hazard exposure shall be retained for 30 years after separation and in accordance with the department established records retention schedule (29 CFR 1910.1020(d)).

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure as provided in this policy, according to applicable discovery procedures, state law or with the member's written consent.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (ORS 181A.830).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records of an officer who was employed at any time by the Department shall be released to a requesting law enforcement agency for the purposes of preemployment review (ORS 181A.667).

Except as provided by the Records Maintenance and Release Policy or pursuant to lawful process, no information about a personnel investigation of an officer that does not result in discipline contained in any personnel file shall be disclosed to any unauthorized member or other persons unless (ORS 181A.830(4)):

(a) The officer consents to disclosure in writing.

(b) The public interest requires disclosure of the information.

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(c) Disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training, or a citizen review body designated by the public body.

(d) Disclosure is required by ORS 181A.667.

(e) The public body determines that nondisclosure of the information would adversely affect the confidence of the public in the Department.

Audio or video records of internal investigation interviews of an officer are confidential and shall not be released (ORS 192.385).

Photographs of an officer shall not be disclosed without the written consent of the officer (ORS 181A.830).

1026.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.9.1 DEFINITIONS

Brady material - In the *Brady v. Maryland* decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The prosecution - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

ORS 135.815 - Oregon law also establishes a criminal defendant's right to access potentially exculpatory evidence.

1026.9.2 RELEASE OF PERSONNEL FILES IN LEGAL PROCEEDINGS

Personnel files are generally exempt from disclosure under ORS 192.501 to 192.505. When that exemption is invoked, the subject records will be examined by the court, in an in camera hearing, and the court will determine whether or not the exemption is valid. Therefore, in civil and/or criminal matters, an employee's confidential personnel records may be disclosed if a court determines that the disclosure exemptions do not apply.

If an employee is a material witness in a criminal case and that employee's personnel file potentially contains exculpatory evidence that may be discoverable under ORS 135.815, the court will examine the materials in camera, and decide whether or not the records must be revealed.

In making its decisions, the court will balance the public's interest in having the records revealed against the interests of the employee, and then decide whether or not the otherwise confidential records must be revealed.

1026.10 MEMBER ACCESS TO THEIR PERSONNEL RECORDS

A member or former member may request to review his/her personnel file. The request should be made to the Support Supervisor. The Support Supervisor should ensure that the member is

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provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records as provided in ORS 652.750.

If an officer believes that any portion of the material is mistakenly or unlawfully placed in the officer personnel record, the officer may submit a written request to the Chief of Police that the mistaken or unlawful material be corrected or deleted. The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request. The Chief of Police must respond within 30 days from the date the request is received. If the Chief of Police chooses not to make any changes, the Chief of Police shall ensure that a written response to the request is made. The Chief of Police shall ensure that the request and response is placed in the officer's personnel record (ORS 652.750).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.11 RETENTION AND PURGING

Unless otherwise noted, personnel records shall be retained for a minimum of 10 years after separation and in accordance with the established records retention schedule (ORS 181A.667).

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Commendations and Awards

1029.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Tualatin Police Department and individuals from the community.

1029.2 POLICY

It is the policy of the Tualatin Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1029.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1029.3.1 PRESENTATION OF LETTERS

Letters of Recognition or Commendation may be presented at any time, so long as it is reasonably contemporaneous with the event that generated the letter.

1029.4 AWARDS AND RECOGNITION PROGRAM

The awards and recognition program exists to recognize outstanding performance, extraordinary achievement, or a heroic act by a member of the Tualatin Police Department or any citizen in the community.

1029.4.1 ANNUAL RECOGNITION AWARDS

The Tualatin Police Department maintains the following annual recognition awards:

Officer of the Year

The Officer of the Year award is intended to recognize one sworn Member from the Department for their outstanding service to the community and/or to the Department during the past year. This award reflects continuous service throughout the year and not a single event. In addition to other forms of recognition, the name of the Officer of the Year will be posted on a perpetual award plaque that will be conspicuously displayed in the Tualatin Police Department.

Supervisor of the Year

The Supervisor of the Year award is intended to recognize one Supervisor (sworn or non-sworn) from the Department for his/her outstanding supervisory skills during the past year. This award reflects continuous service throughout the year and not a single event. The name of the Supervisor of the Year will be posted on a perpetual award plaque that will be consistently displayed in the Tualatin Police Department.

Staff Member of the Year

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The Staff Member of the Year award is intended to recognize one Staff Member from the Department for their outstanding service to the community and/or to the Department during the past year. A Staff Member is a non-sworn full-time employee, part-time employee, Reserve Officer, or any other volunteer with the Department. This award reflects continuous service throughout the year and not a single event. The name of the Staff Member of the Year will be posted on a perpetual award plaque that will be consistently displayed in the Tualatin Police Department.

Public Service Award

The Public Service Award may be given to a citizen or business that distinguishes themselves by highly commendable and unusual acts. Some of the factors that should be considered during the award process are that the citizen/business used proper judgment and discretion and did not precipitate the necessity for the act, the act was not foolhardy, or the citizen made a significant and lasting contribution to the law enforcement profession. Only acts or incidents that significantly rise above the expected norm for community service will be considered for this award. The Public Service Award will consist of an appropriately framed proclamation document signed and presented by the Chief of Police.

1029.4.2 TUALATIN POLICE MEDALS

The Tualatin Police Department maintains the following special awards that include the presentation of a medal and corresponding service ribbons:

Medal of Honor

The Medal of Honor may be awarded to a Member acting in an official capacity who conspicuously distinguishes him/herself by the performance of a heroic act which is above the normal demands of police service and where the Member was fully aware of an imminent threat to his/her personal safety. Some of the factors that should be considered during the award process are: The situation was extremely hazardous; A strong possibility existed at the time the Member acted that he/she could have suffered injury or death. The act was not foolhardy; and The Member did not use poor judgment, thus creating the necessity for the act. Situations where Medal of Honor may be appropriate include criminal law violations and/or incidents involving weapons. A member does not have to be injured in the incident to be considered for a Medal of Honor.

The Medal of Honor will be a gold medal suspended from a red, white and blue ribbon. The service ribbon for the Medal of Honor will be red, white and blue and shall be worn closest to the heart in the instance of multiple service ribbons. The red of the ribbon shall be towards the center of the chest.

Medal of Valor

The Medal of Valor may be awarded to a Member acting in an official capacity who distinguishes him/herself by reacting to a situation in a positive and professional manner to reduce risk or loss of life or injury to citizens. Some of the factors that should be considered are: The situation demanded immediate action; The possibility of injury or death to citizens was present; The act was not foolhardy; and The Member did not use poor judgment, thus creating the necessity for his

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acts. Some situations where Medal of Valor actions may be involved are criminal law violations, life saving incidents or situations where the Member just did the job that had to be done, but did it in an extremely professional manner. A Member does not have to be injured in the incident to be considered eligible for the Medal of Valor.

The Medal of Valor will be a silver medal suspended from a blue and white ribbon. The service ribbon for the Medal of Valor will be blue and white.

Purple Heart Medal

The Purple Heart Medal may be awarded to a Member who is seriously injured or killed in the line of duty as a result of confrontation with a criminal and not be accidental death or injury.

The Purple Heart Medal shall be a gold and purple medal suspended from a purple ribbon. The service ribbon for the Purple Heart will be purple.

Distinguished Service Medal

The Distinguished Service Medal may be awarded to a Member who through a single action or a body of work brings credit to themselves, the Department, and law enforcement. The award may be awarded to those Members who consistently perform their job in an outstanding manner that has had a lasting effect on law enforcement, or the Member's service or demeanor exemplifies the professional image of the Department.

The Distinguished Service Medal will be a gold medal suspended from a blue and gold ribbon. The service ribbon for the Distinguished Sevice Medal will be blue and gold.

Life Saving Medal

The Life Saving Medal may be awarded to a Member who through his/her actions made an extraordinary life saving effort whether or not the victim survived.

The Life Saving Medal will be a gold medal suspended from a red and white ribbon. The service ribbon for the Life Saving Medal will be red and white. If the Life Saving Ribbon is worn in conjunction with any other service ribbon, other than the Medal of Honor, it shall be worn closest to the heart. The red of the ribbon shall be towards the center of the chest.

Wearing Service Ribbons and Medals:

Service ribbons are to be worn only on Class A uniforms centered above the right chest pocket of the uniform shirt or full dress Ike jacket. Medals, if ever worn, are only to be worn centered above the right chest pocket of the full dress jacket and only with the express permission of the Chief of Police for the most solemn of occassions.

1029.4.3 NOMINATIONS FOR AWARDS AND MEDALS

Any employee of the Tualatin Police Department may nominate another employee for on-duty or off-duty actions, or a citizen for award consideration.

The nomination will be in written form and submitted to the Chief of Police in a timely fashion. The nomination will specify the criteria, based on sections 1030.41 and 1030.42 of this manual.

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1029.4.4 AWARDS COMMITTEE - CONSIDERATION AND APPROVAL
Upon receipt of a nomination for an award or a medal, the Chief of Police will review the nomination and determine if the Awards Committee should be convened to consider the nomination.

The Awards Committee is comprised of the following: Both Division Commanders; one Sergeant; one officer from the Support Division; one officer from the Patrol Division; one Professional Staff member and one civilian who shall be selected from the community by the Chief of Police.

The Awards Committee will review the nominations and do one of the following: Make a recommendation that an award be made or a medal presented; request more factual information regarding the nomination; make a recommendation that an award not be given in the nominated instance.

More than half of the Awards Committe members must vote in favor of granting an award or a medal prior to the committee making a positive recommendation.

1029.4.5 PRESENTATION OF AWARDS AND RECOGNITION
The Tualatin Police Department will strive to hold a recognition and awards ceremony on an annual basis to present awards and recognition medals to employees and citizens. The department will attempt to hold this ceremony in conjunction with a dinner during the first quarter of the calendar year following the year for which the awards and recognition medals are to be presented.

Annual awards shall be presented to the Officer of the Year, the Supervisor of the Year and the Staff Member of the Year every year. The Public Service Award is made at the sole discretion of the Chief of Police.

Recognition medals will only be presented upon nomination and a positive recommendation.

1029.5 CRITERIA
A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1029.5.1 DEPARTMENT MEMBER DOCUMENTATION
Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

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(c) The signature of the member submitting the documentation.

1029.5.2 COMMUNITY MEMBER DOCUMENTATION
Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act

2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1029.5.3 PROCESSING DOCUMENTATION
Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Support secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Support Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1029.6 AWARDS
Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Lifesaving Award.
- Distinguished Service Award.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

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EMPLOYEE TELEPHONE REQUIRED

1030.1 PURPOSE AND SCOPE

The nature of police tasks requires that the Department maintain a plan for constant communication with it's employees who are off-duty.

1030.1.1 REQUIRED INFORMATION

All department members are required to have a telephone in their residence so that they may be contacted in emergency situations. Members shall ensure that their current telephone number is on file with the department.

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Fitness for Duty

1031.1 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 department remain fit for duty and able to perform their established job functions.

1031.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the duties of their job function.

(b) Each member of this department 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.

1031.3 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 Patrol Sergeant or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1031.4 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.

1031.5 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 Patrol Sergeant or unit supervisor and concurrence of a Division 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.

1031.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police 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 Department 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 Department 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.

1031.7 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.

1031.8 MENTAL HEALTH WELLNESS PROGRAM

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

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Meal Periods and Breaks

1033.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1033.1.1 MEAL PERIODS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or with the express permission of a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1033.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. Breaks should be avoided during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers are subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only after they have advised Dispatch by radio or MDT.

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Lactation Break Policy

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1034.2 POLICY

It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child 18 months or younger in compliance with state law and the Fair Labor Standards Act (29 USC § 207 and ORS 653.077).

1034.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; OAR 839-020-0051). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except in emergency or exigent circumstances.

1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to provide lactating members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other members should avoid interrupting a lactating member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1034.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1035.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1035.2 POLICY

The Tualatin Police Department maintains timely and accurate payroll records.

1035.3 RESPONSIBILITIES

Members are responsible for the accurate and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1035.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Support as established by the City payroll procedures.

1035.5 RECORDS

The Office Coordinator shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1037.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1037.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 60 hours of compensatory time.

1037.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Support Division. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1037.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in as soon as practical to their immediate supervisor.

1037.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time sheet, the overtime payment request form is forwarded to the employee's Division Commander at the end of the pay period for final approval.

1037.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after reviewing and approving payment, will then forward the form to the Chief of Police for review.

1037.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining agreement and any Memoranda of Understanding provides that a minimum

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number of hours will be paid. The employee will also enter the actual time to be paid. All times will be verified by the employees supervisor.

1037.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1037.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Outside Employment

1039.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1039.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1039.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application memorandum, which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the Chief of Police's approval memo. Unless otherwise indicated in writing on the approved memo, the approval will be valid through the end of the calendar year in which the request was approved. Any employee seeking to renew approval shall submit a new Outside Employment Application memorandum in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1039.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Collective Bargaining Agreement (CBA).

1039.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

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(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at regular duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's regularly assigned duties until the employee has returned to regular duty status.

1039.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

(e) Any employement which would detract from the department's standing in the community or which would negatively effect the employee's reputation due to the nature of the business in question

1039.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

No member of this department may engage in any outside employment as a private security guard, private investigator or other similar private security position.

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The Tualatin Police Department does not provide any private organization, entity or individual with security services from members of this department.

Any outside organization which is having an event which is likely to cause an unusal traffic or crowd situation, must submit a written letter to the Chief of Police in advance of the event which describes the potential impact and any desired service which would be the subject of normal police operations.

Should such a special assignment be approved, participating on-duty or overtime employees and reserve officers shall be subject to all of the normal rules and procedures of the Tualatin Police Department.

1039.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official police action while working in an approved assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the assignment.

1039.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1039.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1039.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest.

1039.5 MATERIAL CHANGES TO OUTSIDE EMPLOYMENT

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material should report the change.

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1039.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside work approval, a notice of revocation of the member's permission will be forwarded to the involved employee, and a copy attached to the original outside work approval memo.

Criteria for revoking the outside employment permission include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Tualatin Police Department, a request (in writing) may be made to the Chief of Police to restore the permission.

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Occupational Disease and Work-Related Injury Reporting

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1041.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An accidental injury or any disease or infection arising out of and in the course of employment that requires medical services or results in disability or death. The occupational disease (including a mental disorder) must be caused by substances or activities to which the member would not ordinarily be subjected or exposed except during employment with the Tualatin Police Department (ORS 656.005(7); ORS 656.802).

1041.2 POLICY

The Tualatin Police Department will address occupational diseases, mental health issues and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORS 656.001 et seq.).

1041.3 RESPONSIBILITIES

1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate. The member may choose a medical service provider, attending physician or authorized nurse practitioner for medical care (OAR 436-060-0010).

1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate. The supervisor shall provide every injured member with a Report of Job Injury or Illness form (Form 801) immediately upon the request of the member or his/her attorney, or upon receiving notice or knowledge of an accident that may involve a compensable injury (ORS 656.265; OAR 436-060-0010).

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1041.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and

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the Support Division Commander to ensure any required Oregon Occupational Safety and Health Administration (OR-OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

Claims shall be reported to the department's insurer no later than five days after notice or knowledge of any claim or accident that may result in a compensable injury (OAR 436-060-0010).

1041.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1041.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Support Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1041.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1041.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1043.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees of this department shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1043.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1043.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Hair will not fall over the eyebrows.

For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance or below the top of the ear.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

Members are required to style their hair in such a manner as to not interfere with the wearing of head gear or protective masks. Colors that detract from a professional police appearance are prohibited. Extreme or eccentric hair styles or cuts are not authorized.

1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the ear and shall be trimmed and neat.

1043.2.4 FACIAL HAIR

Mustaches, beards and goatees may be worn by male officers. Beards shall not extend to the neck. Beards must include a mustache and goatee. The goatees must be worn with a mustache. Facial hair must be neatly trimmed, beards and goatees shall be no more than 1/2 inch in length andmustaches shall not extend more than 1/2 inch beyond the corner of the mouth. Facial hair other than sideburns, beards, mustaches, and goatees shall not be worn, unless authorized by the Chief of Police or his or her designee.

Facial hair may only be worn in a natural color that occurs in human hair and shall not have any patterns cut into them.

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1043.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails should be neatly trimmed and not extend beyond the tip of the finger. Fingernails should be kept clean and professional in appearance. Colors or designs that detract from a professional police appearance are prohibited.

1043.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by male uniformed sworn members. A single pierced, stud-type earring or a hoop earring, not to exceed 1/2" in diameter, may be worn in the lobe of each ear by a female uniformed sworn member.

1043.3 TATTOOS

Tattoos are prohibited on the head, face, neck above the t-shirt line, wrists and hands, with the exception of one ring tattoo on each hand. Visible or partialy visible tattoos and/or body art will be evaluated on a case by case basis by command staff and may be approved by the Chief of Police. While in Class A uniform, no tattoos, any part of a tattoo or any other body art shall be visible, unless authorized by the Chief of Police. At no time while on duty or representing the Department in any official capacity, shall any offensive or excessive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, nudity, or obscene language).

1043.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

1043.5 EXEMPTIONS

Members who seek cultural (e.g., protected hairstyle) or other exemptions to this policy that are protected by law should generally be accommodated (ORS 659A.001; ORS 659A.030). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Personal Appearance Standards

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Uniform Regulations

1045.1 PURPOSE AND SCOPE

The uniform policy of the Tualatin Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

This policy has been customized for our department and replaces the Lexipol Policy 1046.

Uniform and equipment specifications are contained throughout this manual and are periodically updated by the Chief of Police or his/her designee. Changes in specification will be added to this manual and notice given regarding authorized equipment and uniform changes. The Department Uniform and Equipment List is attached at the end of this policy section and can be found on the Shared Police Server M/ADMINISTRATION/POLICEDEPARTMENT/Inventory/Uniform-Equipment-List_2020.

The Tualatin Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform except when the uniform is worn while in transit, an outer garment shall be

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worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(i) Sunglasses may be worn while in uniform.Frames should be black in color and lenses shall not be mirrored.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand unless authorized by the Chief of Police
3. Medical alert bracelet
4. Bracelets may be worn as authorized by the Chief of Police
5. Female uniformed personnel may wear one earring per ear as long as it is in the earlobe.

1045.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1045.3 UNIFORM CLASSES

1045.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, court trials, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes:

(a) For all sworn members:

1. Long sleeve black shirt with black tie
2. Black utility style pants

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3. Department issued duty gear.
4. Polished shoes or boots. Pointed toes are not permitted.
5. Members may wear a "Modified Class A" uniform with supervisor approval which substitutes a long sleeve or short sleeve black shirt without a tie.

1045.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of a black "utility" style uniform with the following features:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required
(b) A black crew neck t-shirt must be worn with the uniform (logos should not be visible)
(c) All shirt buttons must remain buttoned except for the last button at the neck
(d) Class B uniform boots and shoes must comply with the City of Tualatin Safety Committee Standards.
(e) Boots and shoes must be cleaned and polished.
(f) Boots and shoes with pointed toes are not permitted
(g) Department issued duty gear. Department issued duty suspenders are permissible with the Class B uniform and at the officer's expense.

1045.3.3 OTHER UNIFORMS
Other uniforms may be established to allow field personnel cooler clothing during the summer months, for special duty or for training. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1045.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by department members in specialized units.

1045.3.5 JACKETS
Winter/Rain Gear:

Officers will be issued a jacket with fleece liner, black in color.

The jacket will bear the patches of the Tualatin Police Department in their normal location just below the shoulder, as well as a badge patch on the left chest and name tape on the right chest. Jackets shall have reflective stripes at both wrists and a reflective "POLICE" panel on the back.

Light-Weight Jacket:

Officers will be issued-light weight jackets, black in color with patches in their normal location, a badge patch on the left chest, name tape on the right chest and a reflective "POLICE" panel on the back.

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Soft-Shell Jacket:

Officers will be issued a black, soft shell type jacket, with department patches attached to the sleeves for the purpose of wearing under the ballistic outer vest during inclement weather.

1045.3.6 HEAD COVERS

(a) Cold Weather Hat - Officers will be issued a cold weather hat which shall be a black stocking style cap which will cover the officer's head and ears and are to be used in extreme cold weather conditions. This cap may or may not have a logo of the Tualatin Police Department affixed.

(b) Billed Cap - All members of the Tualatin Police Department will be issued an official Tualatin Police Department baseball style cap. This cap will be black in color and will display a likeness of the patch on the front of the cap. The cap is designed and may be used as a head cover and may be worn with the Class-B uniform. Officers should be sensitive to proper hat etiquette and consider removing the cap in a setting where the cap may be offensive to some people (i.e., during the National Anthem, flag salute, or other type of ceremony where a cap should not be worn). The cap may be worn by members of the department during in-service training sessions or in a plain clothes assignment and the cap is needed for identification purposes such as a call-out, a special event, or as approved by the Chief of Police or his/her designee. The bill of the cap shall not be altered from the original condition of the cap at the time it was issued to the department member.

(c) Other Head Covers - Other specialized headgear such as ballistic helmets, bicycle helmets, motorcycle helmets, etc., may be authorized by the Chief of Police or his/her designee.

1045.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the department shall be attached to the sleeves of all uniform shirts and jackets below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes - Service stripe indicators for length of service should be worn on long sleeved Class-A and Class-B shirts. They will not be worn on the long sleeved polo-type shirts that are worn under the load-bearing, outer vest. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.For Class-A long sleeved shirts, the stripes shall be yellow/gold with black trim.For Class-B long sleeved shirts, the stripes shall be silver/grey with black trim.As per OACP Uniform Standards, one service stripe will represent a total of four (4) years of full-time service in Law Enforcement.Part-time and volunteer service does not apply to the years of service.

(c) Nameplates - The regulation nameplate, or an authorized sewn on cloth name tape shall be worn at all times while in uniform. The nameplate or name tape shall display the employee's rank, first initial and last name. The name tape shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt

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seam, with equal distance from both sides of the name to the outer edge of the pocket. The nameplate shall be placed on the top of the right pocket flap, located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (TNT, FTO, etc.) may be worn only as designated by the Chief of Police.

(f) Pins - A single, non-political pin may be worn, centered above the nameplate, as approved by the Chief of Police.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

(i) Service Awards - Those members who have been distinguished with service medals from the Tualatin Police Department are authorized to wear the "service ribbon" in either cloth or enamel form centered above the nameplate only with the Class A uniform.

1045.4.1 MOURNING BADGE

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1045.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

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(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style or polo style shirts with a collar, slacks, jeans or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, jeans, shirts, blouses, or suits which are moderate in style.

(d) Non-sworn members may wear jewelry if moderate in style and appropriate for the workplace. Jewelry that interferes or potentially interferes with work duties is not permitted.

(e) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed or flip-flop style sandals
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(f) Variations from this order are allowed at the discretion of the Chief of Police or designee.

(g) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Tualatin Police Department or the morale of the employees.

1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Tualatin Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Tualatin Police Department to do any of the following:

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication; or any motion picture, film, video, public broadcast, or any website without the approval of the Chief of Police.

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1045.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment List (see attachment) as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Policy Manual § 700)

1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Tualatin Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment List or by the Chief of Police or designee.

Tualatin Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment List or by the Chief of Police or designee.

1045.9 OPTIONAL EQUIPMENT REQUEST WAIVER

Any employee who wishes to wear or use optional equipment while on duty must complete an "Optional Equipment Request Waiver." This form can be found on the shared police (M) drive in the "Forms and Templates" directory. This waiver must be signed by the employee and submitted through the chain of command for final approval by the Chief of Police or his/her designee. Approval must be obtained prior to wearing or using the optional equipment.

The City shall reimburse employees for personal property worn or carried during the course of employment with the approval of the Chief of Police by policy or in writing, and which property is identified on the officer's equipment list on file at the police department, when such property is stolen, damaged or destroyed, as a direct result of the employee's performance of official duties.

Reimbursement will not be granted if the negligence or wrongful conduct of the employee was a contributing factor to the theft, damage or destruction thereof. To be eligible for this reimbursement, the employee must have requested restitution for the property, in writing, to the City Attorney or District Attorney.

1045.10 DEPARTMENT UNIFORM AND EQUIPMENT LIST

See attachment: See attachment: Uniform_Equipment_List_2020.pdf

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Nepotism and Conflicting Relationships

1049.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, purchasing and contracting, discipline and workplace safety and security.

1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative, who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.179).

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or who resides with the member or with whom they are involved in a personal or business relationship (ORS 244.177).

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

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(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individuals they know or reasonably should know are under criminal investigation, are convicted felons, parolees, fugitives, registered sex offenders or who engage in serious violations of state or federal laws.

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Employee Involved Domestic Violence

1051.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement employees. This policy applies to incidents involving any law enforcement employee regardless of his/her employing agency or jurisdiction.

1051.1.1 POLICY

The Tualatin Police Department has a zero tolerance policy for domestic violence whether committed by a citizen or an employee. Where incidents of domestic violence occur, the Department will act quickly to protect the victim, arrest the perpetrator and conduct appropriate criminal and/or administrative investigations.

1051.1.2 DEFINITIONS

Domestic Violence, Abuse and Family Members - are as defined in the Domestic Violence Policy in this manual.

Employee - means any person employed on a full-time or part-time basis by a law enforcement agency. It also includes any unpaid volunteer with enforcement authority, such as a reserve officer.

Law Enforcement Agency - means any federal, state, county, or local criminal justice agency employing persons having peace officer powers granted under authority of the Oregon Revised Statutes.

Restraining Order - Any court order restricting or prohibiting a person's contact with another person or persons, and/or restricting where and when a person may be at a location or time. Such an order may also result in restricting possession of firearms and ammunition. This includes, but is not limited to, restraining orders and protective orders.

1051.2 STATUTORY REQUIREMENTS

Pursuant to the Federal Domestic Violence Gun Control Act (18 USC § 921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Additionally, any person convicted of a felony is prohibited from possessing a firearm (ORS 166.270).

Oregon and Federal law also prohibit firearm possession by any individual who is the subject of a domestic violence restraining order (this federal restriction does not apply to temporary restraining orders) (18 USC § 922(d)(8)) and ORS 107.718).

1051.2.1 REPORTING

Employees who are arrested for, or convicted of, any crime involving domestic violence, or who become the subject of a criminal investigation, or criminal or civil protective or restraining order related to domestic violence, regardless of jurisdiction, shall report that fact to their supervisor as required in the Reporting of Employee Convictions Policy at the earliest opportunity and provide notice of any scheduled court dates, times, appearances and proceedings.

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1051.3 INCIDENT RESPONSE

All department personnel shall accept, document in writing, and preserve all calls, reports, telephone and radio tapes, including those made anonymously, involving possible employee domestic violence as “on-the-record” information. The information shall be forwarded to the Patrol Sergeant and respective employee’s supervisor for appropriate investigative action.

Upon arrival at the scene of a domestic violence incident involving any department employee as the suspect or victim, the handling officer shall immediately notify Dispatch and request a supervisor be sent to the scene. If there is a question about whether an incident falls under this policy a supervisor shall be requested.

1051.3.1 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall, whenever possible, report to the scene of all domestic violence incidents that occur within this jurisdiction where an Tualatin Police Department employee, or any other law enforcement agency employee, is identified as a suspect or victim, regardless of the involved individual’s agency jurisdiction. All the provisions of the department Domestic Violence policy shall be followed (see the Domestic Violence Policy).

(a) The supervisor will ensure that a thorough investigation is conducted and all appropriate reports are forwarded to the District Attorney’s Office.

(b) Whenever a law enforcement employee domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought. When feasible, a sworn supervisor from this department will respond to the location of any domestic violence incident involving an employee of the Tualatin Police Department which occurs in another jurisdiction to assist the responding agency and to take custody of any department weapons or other department equipment removed from the employee's possession.

1051.3.2 ARREST OF A LAW ENFORCEMENT OFFICER

(a) Whenever a sworn employee of the Tualatin Police Department is arrested, the supervisor shall relieve the accused of any department issued duty weapon(s).

(b) The investigating officer or supervisor shall also request permission to take any other firearms on scene for safekeeping.

(c) If the arrested employee is in uniform, he/she should be allowed to change to civilian clothes prior to transport to the jail, if feasible.

(d) The transporting officer shall ensure that corrections personnel are notified of the person’s employee status to ensure the safety of the employee while he/she is in custody.

(e) Employees who are arrested shall be placed on administrative leave pending the disposition of criminal and administrative investigations.

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1051.3.3 FIREARMS RESTRICTIONS

Any officer who is arrested, becomes a defendant, or is the respondent of a restraining or protective order that restricts or prevents the officer from possessing firearms, will not be allowed to possess firearms on or off-duty as directed by the order. Officers will immediately ensure that all firearms are removed from their residences, department lockers and all other locations where they would have actual or constructive possession of such items.

Officers who are prohibited from possessing firearms may be placed on administrative leave or assigned to a position involving no contact with the public or access to firearms.

1051.4 EMPLOYEE RESPONSIBILITY

(a) Employees are encouraged to seek confidential assistance from department or city resources (e.g., Employee Assistance Program), or other qualified individuals or entities, to prevent a problem from escalating to the level of criminal conduct against a family or household member.

(b) Employees with definitive knowledge of abuse and/or violence involving fellow employees must report such information in a timely manner to their supervisor.

(c) If an employee becomes aware of possible witness or victim intimidation/coercion, he/she shall prepare a written report and immediately deliver it to the investigator handling the case through the proper chain of command.

(d) Employees may not engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow employees or intimidate witnesses.

(e) No employee shall solicit or be afforded any privileges or special considerations.

(f) Employees who fail to cooperate with the investigation of a law enforcement employee domestic violence case will be subject to investigation and applicable administrative sanction and/or criminal charges.

(g) An employee who falsely reports that a victim of law enforcement involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to applicable administrative sanction and/or criminal charges.

(h) An employee who becomes aware of another employee having difficulties which might lead to domestic violence should encourage him/her to get assistance.

1051.5 DEPARTMENT RESPONSIBILITIES

(a) Supervisors should be aware of on or off-duty behaviors that may be warning signs of domestic violence which may include, but are not be limited to:

1. Stalking and inappropriate surveillance activities.
2. Unusually high incidences of physical altercations, injuries, or verbal disputes.

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3. Alcohol and/or drug abuse.
4. Increase in controlling behaviors.
5. Citizen or fellow employee complaints of aggression.
6. Inappropriate aggression toward animals.

(b) The Department, either in response to observed warning signs or at the request of an employee and/or their family or household member, shall provide non-punitive avenues of assistance to department members, their partners, and other family members as long as there is no probable cause to believe a crime has been committed.

(c) Confidential referrals to counseling services in collaboration with existing community services that have specific expertise in domestic violence, including the department chaplain, will be made available to employees.

(d) Employees who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality within the department. The report of such criminal conduct will be treated as an admission of a crime and shall be investigated both criminally and administratively.

(e) The Department will make annual checks of every member's criminal history records, including but not limited to CCH, to determine if there are any entries for domestic violence arrests, convictions or restraining orders. Any such records found will be forwarded to the Chief of Police.

(f) Any Department employee convicted of a domestic violence crime or found to have committed an act of domestic violence through an internal investigation may be subject to referrals, change in assignment and/or discipline up to and including termination.

1051.6 TRAINING

The Department will provide training to employees regarding domestic violence and this policy and will collaborate with local and state agencies dealing with domestic violence in designing curriculum and providing training.

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Department Badges

1053.1 PURPOSE AND SCOPE

The Tualatin Police Department badge and uniform patch as well as the likeness of these items and the name of the Tualatin Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1053.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1053.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Tualatin Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

(e) A member may keep their badge pursuant to the Memorandum of Understanding with T.P.O.A. and guidelines set forth therein.

1053.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1053.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1053.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1053.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Tualatin Police Department. The following modifications shall be included

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the initials of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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Modified Duty Assignments

1055.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1055.2 POLICY

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1055.3 GENERAL CONSIDERATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1055.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division

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Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Patrol Sergeant or Division Commander. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

1055.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1055.4.2 ACCOUNTABILITY

The employee's supervisors shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Division Commander.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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1055.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1055.5 ACCOUNTABILITY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1055.5.1 EMPLOYEE RESPONSIBILITIES
An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1055.5.2 SUPERVISOR RESPONSIBILITIES
Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding Family and Medical Care Leave.

1055.6 MEDICAL EXAMINATIONS

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1055.7 PREGNANCY

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1059.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department (ORS 181A.689).

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1059.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the world wide web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1059.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Tualatin Police Department will carefully balance the individual employee’s rights against the department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1059.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Tualatin Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1059.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Tualatin Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Tualatin Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Tualatin Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Criminal Justice Code of Ethics as adopted by the Tualatin Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (or any other act that would constitute a misuse of public information in violation of ORS 162.425).

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(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Tualatin Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1059.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Tualatin Police Department or identify themselves in any way that could be reasonably perceived as representing the Tualatin Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Tualatin Police Department.

A notice of restrictions on political activities by employees will be posted and maintained by the Department in a place that is conspicuous to all employees as required by law (ORS 260.432).

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1059.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Instagram, Twitter) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1059.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1059.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Attachments

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Uniform_Equipment_List_2020.pdf

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TUALATIN PD EQUIPMENT INVENTORY

NAME: Master	DUTY ASSIGNMENT: Patrol					DPSST #:		
EQUIPMENT ITEM	**QTY.**	**SIZE**	**BRAND**	**TUP #**	**SERIAL #**	**DESCRIPTION**	**DATE ISSUED**	**DATE RETURNED**
STANDARD EQUIPMENT								
DEPT IDENTIFICATION CARDS	1							
DOOR KEY SWIPE CARD	1							
BUILDING KEY	1							
RADIO CHARGER	1							
PORTABLE RADIO BATTERIES	3							
TWO WIRE MIC/EAR PHONE	1							
PELICAN FLASHLIGHT W/CHARGER	1							
TK15 FLASHLIGHT	1							
POSSE BOX	1							
CITE BOX	1							
DUTY BAG	1							
HEARING PROTECTION, (TRAINING)	1							
EYE PROTECTION, (TRAINING)	1							
GLOVES	1							
LATEX GLOVES	1							
POCKET CRIMINAL CODE BOOK	1							
POCKET VEHICLE CODE BOOK	1							
MIRANDA WARNING CARD	1							
FINGERPRINT KIT	1							
RESUSCITATOR MASK	1							
LAUNDRY BAG	1							
NYLON NOTEBOOK COVER	1							
DUTY BELT GEAR								
DUTY BELT	1							
INNER BELT	1							
BELT KEEPERS	4							
WEAPON LIGHT	1							
MAGAZINE POUCH	1							
PORTABLE RADIO	1							
RADIO HOLDER	1							
HANDCUFF CASE - DOUBLE								
HANDCUFF CASE - SINGLE	1							
FLASHLIGHT RING	1							
OC CASE								
ASP BATON	1							
ASP BATON HOLDER	1							
HANDCUFFS-CHAIN	1							
HANDCUFFS-HINGED	1							
TACTICAL EQUIPMENT								
TACTICAL BALLISTIC 5 POCKET VEST	1							
TACTICAL BALLISTIC 5 POCKET S/S POLOS	2							
TACTICAL BALLISTIC 5 POCKET L/S POLOS	2							
TACTICAL BALLISTIC 5 POCKET JACKET	1							

TUALATIN PD UNIFORM INVENTORY

NAME:					**DPSST #:**		
ITEMS	**QTY.**	**SIZE**	**TUP #**	**SERIAL #**	**DESCRIPTION**	**DATE ISSUED**	**DATE RETURNED**
LOCKER ASSIGNMENT							
POLICE BADGES							
UNIFORMS							
TROUSERS - CLASS "B"	3				Stryke		
SHIRT, LONG SLEEVE - CLASS "B"	1						
SHIRT, SHORT SLEEVE - CLASS "B"	1						
NECKTIE (CLIP-ON)	1						
JACKET, NEW FOUL WEATHER W/LINE	1						
PANT, FOUL WEATHER	1						
LIGHTWEIGHT JACKET	1						
WINTER CAP	1						
BASEBALL CAP	1						
TRAFFIC VEST	1						
Special Purpose Uniforms							
TRAINING POLO	1						
TRAINING BDU'S	1						
BIKE SHORTS							
BIKE SHIRT							
RED FIREARMS INSTRUCTOR SHIRTS							
Motorcycle Uniform							
SUIT							
JACKET (LEATHER)							
BREECHES (PANTS)							
GLASSES/(1 clear/1 smoke)							
HELMET (1) full face (1) 3/4 face)							
BOOTS							
WINGS							
RAIN GEAR							

Org Chart April 2022 updated.pdf

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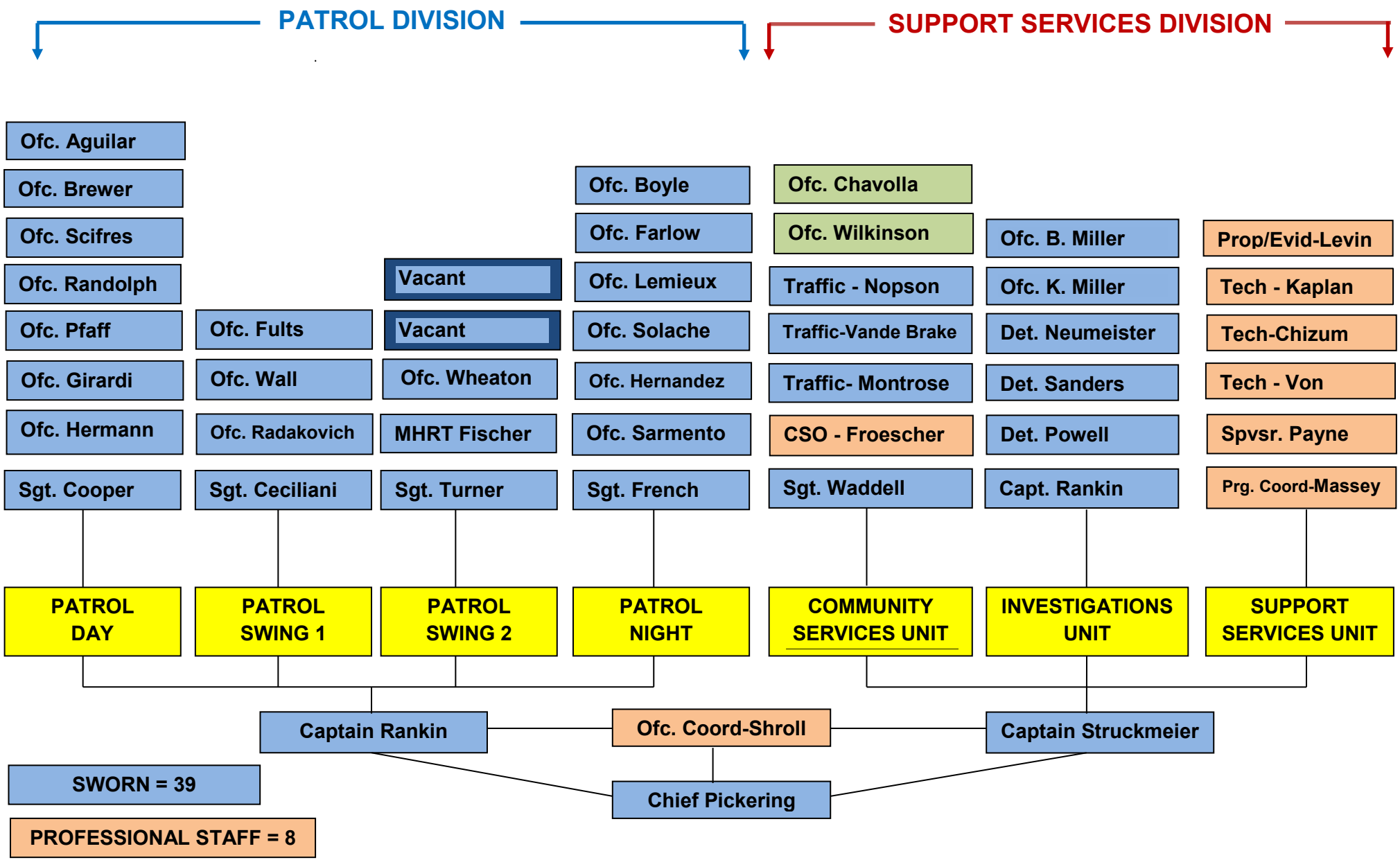
New Recruits:
Ofc. Wilkinson
Ofc. Chavolla

TUALATIN POLICE DEPARTMENT

ORGANIZATIONAL CHART

Updated July 2022



2020 Child Abuse MDT Protocol.pdf

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WASHINGTON COUNTY

CHILD ABUSE

MULTIDISCIPLINARY TEAM (MDT)

PROTOCOL

Revised 2020

Table of Contents

Protocol Statement	3
MDT Agreement	4
Child Abuse Investigations	5-8
Body-Worn Cameras	9
DHS	10-11
Cross-Reporting	12-13
Prosecution of Child Abuse Cases	14-17
Victim Advocacy	18
Community Corrections	19
Medical Evaluations	20-21
Case Tracking	22
Protocol Statement Signature Page	23
Appendix Index	24
Appendices	25-94

PROTOCOL STATEMENT

In order to best serve the children of Washington County and to comply with the requirements of law, this protocol was prepared to serve as a guideline for practice in child abuse cases. Child abuse cases include any cases that involve sexual abuse, physical abuse, neglect, child sex trafficking and Commercial Sexual Exploitation of Children (CSEC) of any person under 18 years of age, and any other conduct that falls within ORS 419B.005.

The purpose of the protocol is to clarify each agency's duties and responsibilities and to improve interagency coordination. The goals are to provide services that are trauma-informed and in the best interest of the child; to conduct child abuse investigations in an expedited and effective manner; to minimize the number of interviews; to prevent the abuse of other potential victims; and to provide information to all involved agencies in a coordinated and efficient manner. It is the intent of the Washington County Child Abuse Multidisciplinary Team (MDT) that all child abuse cases in Washington County will be adequately investigated and, where appropriate, prosecuted.

This protocol does not supersede individual or agency professional discretion. Each agency's participation shall be consistent with its commitment to the interests of children within the context of the agency's statutory obligations.

The protocol was developed by representatives from the District Attorney's Office (DA's Office), various law enforcement agencies (LEA), Department of Human Services (DHS), school districts, and other current members of the MDT. Administrators from the member agencies have reviewed these materials and agreed to follow these guidelines. MDT member agencies conclude that there is a critical need to continue to pursue and further develop guidelines for conducting child abuse investigations. The Child Abuse MDT Protocol will be reviewed, at a minimum, every two years and may be amended upon approval by the MDT.

This agreement is effective upon execution by each member agency.

MDT AGREEMENT

The MDT shall consist of representatives from public and private agencies in the following areas:

- District Attorney's Office (DA)
- Law Enforcement Agencies (LEA)
- Department of Human Services (DHS)
- School Districts
- County Health Department
- County Mental Health Department
- County Juvenile Department
- CARES Northwest (CARES NW)
- Hospitals
- County Community Corrections Department
- Family Navigators and mental health providers from CARES NW
- Victim Advocates from the District Attorney's Office
- Other agencies and providers as the MDT deems appropriate

The District Attorney has appointed individuals from The District Attorney's Office to chair the MDT and to act as Child Abuse MDT Coordinator. The MDT Chair and MDT Coordinator work together to facilitate MDT meetings and to identify topics to be addressed at monthly meetings. The MDT Coordinator sends the meeting agenda and notification of cases to be staffed to MDT members via secure email prior to the scheduled meeting time and keeps monthly MDT meeting minutes. MDT members are encouraged to send suggested meeting agenda topics or cases to be staffed to the MDT Coordinator.

. The purpose of MDT meetings is to:

- Review sensitive cases
- Staff difficult and/or high-risk cases
- Evaluate and report on compliance with the protocol by member agencies
- Ensure compliance with these guidelines and with statutory mandates
- Evaluate guidelines in order to establish further guidelines as needed
- Set up and provide training for members
- Review procedures and system gaps between agencies
- Identify needed legislation
- Identify and pursue resources
- Address other relevant matters relating to child abuse and child safety

The MDT shall have the responsibility and authority for establishing committees as needed to conduct appropriate business and to review and make recommendations to the larger MDT.

CHILD ABUSE INVESTIGATIONS

Response:

- Investigators shall be those persons designated by DHS and LEA as having jurisdiction.
- LEA shall respond 24 hours a day, as appropriate, and shall refer cases to trained child abuse investigators whenever possible.
- Investigation and assessment shall be completed concurrently or jointly, as necessary.
- Response priority is determined by the apparent or potential risk of psychological, physical, or sexual harm or neglect to the children. The response priority is determined on a case-by-case basis.
- The DHS worker must consult with a DHS supervisor and seek assistance from LEA if the referral indicates that:
    - there may be severe harm or threat of severe harm to the child;
    - there is reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling; or
    - the child is inadequately supervised and there is an immediate need to evaluate the child's health and safety.

- Whenever possible, the DHS worker must coordinate assessment activities with LEA in the following situations:

    - Presence of danger: When the DHS worker has information that indicates that the child is unsafe right now
    - Family cooperation: When the DHS worker has information that the family may not allow the DHS worker to observe the alleged victim or other children in the home
    - Protective custody: When the DHS worker has information that a child may need to be placed into protective custody
    - Child interview: When the DHS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child
    - Worker safety: When the DHS worker has information that indicates the family behavior, circumstances, or situation could pose a danger to the DHS worker
    - Crime committed: When the DHS worker suspects or receives a report that a crime may have been committed

Conduct of Investigation:

- Investigations shall be approached as though they will ultimately result in criminal prosecution, bearing in mind the best interests and needs of the child.
- LEA shall contact DHS regarding removal of a child or about how to proceed in an investigation involving children when there are questions.
- A child abuse intake Deputy District Attorney (DDA) will be available for telephone consultation 24 hours a day **[See Case Consultation and/or Community Resources List appendices]**

Investigations continued

Conduct of Investigation continued

- Investigation strategy shall be determined by LEA or DHS considering the following:
  - the need to intervene for the child's immediate protection;
  - the need to preserve evidence;
  - logistics of victim, witness, and suspect interviews (e.g., time, place)
  - need to re-contact and interview the complainant.

Definitions: The following definitions apply to the Multidisciplinary Team Protocols.

Sexual Abuse: This includes any crime or attempted crime of a sexual nature involving a child victim, whether the identity of the victim is known or unknown. Specifically, it includes but is not limited to sexual crimes against children specified in ORS chapters 163 and 167. It also includes any Child Sex Trafficking and Commercial Sexual Exploitation of Children (CSEC) crimes, as defined below.

Child Sex Trafficking and Commercial Sexual Exploitation of Children (CSEC): These terms include, but are not limited to, crimes or attempted crimes specified in ORS chapters 163 and 167, when any party receives or offers anything of value (such as money, drugs, goods, or services) in exchange for any sexual conduct and facilitating, permitting, or aiding in any way the use of a child in any pornographic or sexually provocative material. They also include any acts that constitute the crime of prostitution, advertisement for escort services, and employment in any adult-oriented sexually explicit business or permitting a child to remain therein. The physical movement of a child is not required.

Physical Abuse: This includes any crime or attempted crime of a physical injury or neglect involving a child victim, whether the identity of the victim is known or unknown. Specifically, it includes but is not limited to physical abuse and neglect crimes against children specified in ORS chapter 163. It also includes any crimes that are within the scope of "Karly's Law" (ORS 419B.023) and any crime that causes or attempts to cause a physical injury or neglect or concerns of a physical injury or neglect to a child.

Sexual Abuse Cases: If the sexual abuse is reported within:

- 72 hours (3 days) for children under age 12
- 120 hours (5 days) for children age 12 and older

of the incident, CARES NW should be contacted immediately to determine whether or not the child needs an urgent medical evaluation. If the report is made after hours, the child should be taken to Randall Children's Hospital at Legacy Emanuel (RCH) emergency room. If that is not an option, the preferred alternative is Doernbecher Children's Hospital emergency room at Oregon Health and Science University (OHSU). If a forensic medical examination needs to occur, it is vital that the examination occur as soon as possible to improve the chances of collecting evidence. If the sexual abuse happened more than 72 hours (for children under age 12) or 120 hours (for children age 12 and older prior to the report, CARES NW should be contacted as soon as possible in order to schedule a non-urgent evaluation at CARES NW. **[See appendices for Case Consultation and CARES NW Sexual Abuse Guidelines for Referral]**.

Investigations continued

Child Sex Trafficking and Commercial Sexual Exploitation of Children (CSEC) Cases: The procedures outlined for sexual abuse cases apply to Child Sex Trafficking and CSEC cases. See above and see appendices for the MDT Human Trafficking Task Force Protocol and the CARES NW Sexual Abuse Guidelines for Referral. Given the complicated and diverse nature of these cases, however, there may be a need to deviate from the protocols when necessary on a case-by- case basis using your professional discretion and upon consultation where appropriate.

Physical Abuse Cases: If a person conducting an investigation under ORS 419B.020 observes a child who has suffered a suspicious physical injury and the person has a reasonable suspicion that the injury may be the result of abuse, Karly's Law (ORS 419B.022 and 419B.023) is triggered. At that point, the investigator shall immediately photograph or cause to have photographed the suspicious physical injury/injuries in accordance with ORS 419B.028 **and** the child must receive a medical evaluation within 48 hours. **[See appendices for Karly's Law, Child Physical Abuse Investigation Flow Chart, Child Abuse Investigative Checklist for Physical and Sexual Abuse Cases, Designated Medical Professional, CARES NW Physical Abuse Guidelines for Referral, Case Consultation, and Karly's Law Guide and Handout for Non-Designated Medical Professionals]**.

Drug Endangered Children Cases: When there is reason to believe a child has been exposed to drugs or dangerous chemicals, the investigator shall make arrangements to have the child tested for drug and/or chemical exposure to harmful substances as soon as possible and not later than 24 hours after learning of the exposure. **[See DEC Protocol and appendix]**.

Child Care Facility: If the alleged abuse occurred at a child care facility, DHS or LEA will notify, when appropriate, the parents or guardians of all children attending the facility to discuss the concerns and the ongoing investigation. DHS and LEA will also jointly notify the Office of Child Care of any investigations regarding either licensed or unlicensed (illegal) daycares or child care facilities.

Suspicious/Unexpected Child Death Cases: In the event of a suspicious or unexpected child death, LEA will contact the on-call Child Abuse Team DDA immediately. LEA shall notify DHS of all unexpected or suspicious child deaths **[See Case Consultation and/or Community Resources List appendices]**. LEA and/or DHS shall notify the Designated Medical Provider of any suspicious unexplained or unexpected child hospitalization or child deaths.

Victim Interview

- Whenever possible, children should be referred to a CARES NW (or another Child Abuse Assessment Center (CAC) for a forensic interview.
- Duplication of interviews should be avoided when possible.

Investigations continued

Victim Interview continued

- Age-appropriate interview techniques and tools should be used by the investigator to facilitate communication with the child consistent with legally accepted standards and the *Oregon Interviewing Guidelines*.
- Interviews should occur in a neutral, non-threatening environment.
- If a school or child care facility is the site of an interview, the investigator may make prior arrangements with school administration or a person in charge. Person(s) present during the interview shall be determined by the investigator.
- Investigators should obtain a release of medical records from a parent or guardian.

Suspect Interview

- The suspect should be interviewed by LEA as soon as possible and appropriate.
- The objective of the interview will be to further investigate the allegations.
- If the alleged offender admits any of the allegations, the investigator should conduct the interview in a manner that will be admissible in court.
- The suspect should be apprised of possible charges and that final charges will be the decision of the DDA and the Grand Jury.
- The suspect should be warned to have no contact with the victim (and potentially all minors; and potentially the victim's family) until the investigation is completed.
- DHS may make contact with the suspect as needed to establish a safety plan or to determine the need for protective custody.

Reports

- LEA will prepare and forward completed reports to the DA's Office, DHS, and, when appropriate, to the Juvenile Department.
- The report will address, to the extent known, all of the elements of the alleged crime
- LEA will consult with the DA's Office before issuing a press release, factoring in community safety, the likelihood of additional victims, and the privacy of the victim(s). Information that would identify the victim will be withheld.

BODY WORN CAMERAS

The use of body worn cameras (BWCs) in child abuse investigations requires special consideration and is subject to restrictions regarding heightened privacy laws. *See* ORS 419B.035 (confidentiality of records); ORS 135.873 (protective orders); ORS 418.794 (confidentiality of video recordings); ORS 192.440 (public records). Additional attention must be given in these cases to a variety of issues including but not limited to the following: protecting the privacy and confidentiality of victims; constitutional and statutory victim rights; informed consent of the person being recorded; avoidance of any impediment or inhibition to the disclosure or reporting of abuse; data retention laws and practices; ensuring the recording captures the entirety of the statement or event; conformity with all applicable laws and court orders; public records disclosure laws and exemptions. As a general rule, BWCs should not be used in child abuse investigations. Witness statements or events that need to be recorded may be recorded using traditional methods (e.g. audio or video recorder, interview room, etc.) at the discretion of the investigator and subject to the following protocols:

- **Interviews of child abuse victims**
  BWC should generally not be used to conduct interviews of child abuse victims. If an investigator finds it necessary to record an interview of a child abuse victim due to an exceptional circumstance, this should be accomplished using traditional methods (e.g. audio or video recorder, interview room, etc.) pursuant to the protocols regarding "Victim Interview" discussed above and in conformance with the *Oregon Interviewing Guidelines*.
- **Disclosure and collateral witnesses**
  BWC should generally not be used to conduct interviews of disclosure and collateral witnesses. If an investigator wishes to record such an interview, the recording should be accomplished using traditional methods (e.g. audio or video recorder, interview room, etc.).
- **Suspect interviews**
  BWC may be used to conduct suspect interviews per the discretion of the investigator. However, the preferred method of recording a suspect interview is through a traditional method (e.g. audio or video recorder, interview room, etc.) in order to ensure the data is preserved and of sufficient quality for subsequent use.

In the event a BWC camera is used during a child abuse investigation, special consideration regarding data retention, privacy laws, public records laws, and victim rights issues must occur. For example, in certain cases, the investigating agency may be required to keep the recording for the lifetime of the suspect. In other cases, a court protective order or statute may prohibit the copying, dissemination or destruction of the recording. Consultation with the District Attorney and court records should occur prior to any copying or dissemination of recordings.

DHS

Critical Incident Response Team

DHS shall assign a Critical Incident Response Team (ORS 419B.024) within 24 hours after the department determines that a child fatality was likely the result of child abuse or neglect if:

- The child was in the custody of DHS at the time of death; or
- The child was the subject of a child protective services assessment by DHS within 12 months prior to the fatality.

During the course of its review of the case, the Critical Incident Response Team may include or consult with the District Attorney from the county in which the incident resulting in the fatality occurred.

DHS shall adopt rules necessary to carry out the provisions of this section. The rules adopted by DHS shall substantially conform with DHS protocol regarding Notification and Review of Critical Incidents.

High Risk Committee

- A high-risk tracking and review system is intended to identify and ensure close monitoring and tracking of the highest risk cases that DHS serves.
- Cases to be considered for High Risk Case Review designation are those cases in which, at a minimum:
    - critical injuries have occurred,
    - a permanent or serious impairment may have occurred,
    - there has been a death or critical injury to another child in the family, and
    - other cases as deemed appropriate by DHS.
- Cases will be considered for High Risk Case Review designation at regularly scheduled high risk screenings held by DHS.
- Screenings are provided as often as needed to ensure proper coverage and responsiveness.
- Persons having information pertinent to the decision being made on a high-risk case are to be invited by DHS Child Welfare staff to participate in the appropriate review. If they are unable to attend, they will be requested to provide input orally or through a written report which should include risk factors, permanency issues, and recommendations.
- Summaries are distributed to the caseworker and the supervisor.

Consent to Leave Home

- A parent, guardian or caregiver who consents to leave the family home during a child abuse investigation (ORS 418.800) may ask the district attorney responsible for the MDT for a review of the case by the MDT.
- No later than 90 days after receiving a request, the team shall review the case.
- Request for review will be forwarded to the MDT Coordinator.

Consent to Leave Home continued

- The MDT Coordinator shall schedule a case review at a regularly scheduled MDT meeting and will notify interested parties.
- The MDT coordinator will provide a written summary of the proposed timeline for completing the investigation to the person who requested the review.

CROSS-REPORTING

LEA Cross-Report to DHS

- When a report of child abuse, as defined in ORS 419B.005, is received by LEA, LEA must cross-report to the local office of DHS in the county where the report was made.
- LEA must cross-report to DHS immediately when LEA determines that a joint immediate response is necessary.
- All other reports of child abuse must be cross-reported to DHS no later than the end of the next business day after LEA receives the report. This level of cross-reporting must be done in one of the following ways: verbal report, electronic transmission, or hand-delivery.

Unexpected or Suspicious Death or Hospitalization

- The DA's Office shall be notified immediately by LEA of cases involving the suspicious or unexplained death or hospitalization of a child. A separate notification shall be sent via email to the MDT Coordinator for Child Fatality Review purposes.
- LEA shall immediately notify DHS of all unexpected or suspicious child deaths and hospitalizations.
- LEA and/or DHS shall notify the Designated Medical Provider of any suspicious unexplained or unexpected child hospitalization or child death.

Notification to Office of Child Care

- DHS and LEA shall immediately and jointly notify the Office of Child Care if the alleged child abuse occurred in a child care facility as defined by ORS 657A.250.
- DHS and LEA shall jointly determine the roles and responsibilities of both entities.
- DHS and LEA shall then jointly report the result of the investigation to the Office of Child Care.
- If the Office of Child Care is notified that an alleged incident of child abuse occurred in a child care facility, they shall immediately notify LEA and DHS.

DHS Cross-Report to LEA

- When a report of child abuse, as defined in ORS 419B.005, is received by DHS, they must cross-report to the appropriate law enforcement agency (LEA) in the county where the report was made.
- If the abuse occurred in a different county, the screener must cross-report a second time to the LEA in the county where the alleged abuse occurred.
- DHS must cross-report to LEA on the **same day** if the screener determines that a report of alleged child abuse requires an **immediate response** by DHS and/or immediate notification to LEA.
  This includes, but is not limited to any reports of:
  - moderate to severe physical abuse;
  - visible injuries to a child;

DHS Cross-Report to LEA continued

- sexual abuse; or
- suspicious or unexpected death of a child

The report must be made in one of the following ways: verbal cross-report (if DHS and LEA do not respond together, a completed screening report must be sent to LEA), electronic transmission, or hand-delivery. All other reports of child abuse, including reports assigned for DHS assessment and closed at screening, must be cross-reported within a timeframe that ensures the receipt of the cross-report by LEA no later than **10 days** after DHS receives the report. The report must be made one of the following ways: electronic transmission, hand- delivery or mail.

Supplemental Reports

DHS may receive information not previously cross-reported but apparently related to a report of child abuse involving the same victim and same alleged perpetrator that has been previously cross-reported.

If the information is related to the same incident of abuse, the screener must make a supplemental cross-report of the additional information to each LEA that received the prior cross-report. Supplemental information that is determined to be critical, given the information in the original report, must be cross-reported immediately. All other supplemental information must be cross-reported within a timeframe that ensures the receipt of the information by LEA no later than 10 days after the information was received by DHS.

Format

In order for LEA to quickly and easily prioritize reports and respond accordingly, all written cross-reports from DHS must have a cover sheet with the following:

- date and time of cross-report
- how the cross-report is made
- if additional cross-reports occurred
- to what agencies the cross-report was sent
- name and number of screener (or designee) making the cross-report
- whether the report was assigned or not assigned
- name and number of the assigned caseworker
- cross-reporting timeframe
- if the report is an original or follow-up cross-report
- date of the original cross-report if it is a follow-up cross-report

PROSECUTION OF CHILD ABUSE CASES

Investigation Stage

- Investigation of child abuse cases is done by members of the MDT.
- Collaboration between investigating parties is encouraged.
- Best efforts at compliance with these protocols are encouraged.
- The DA's Office has general authority to direct an investigation which may lead to criminal charges.
- LEA advises the DA's office as to the nature and status of the investigation.
- DHS/LEA may consult with the DA's office regarding any special problems that arise during the investigation.
- Investigations should, in general, be conducted in accordance with this protocol and with any applicable protocols of the investigating agency.
- DHS and LEA should cooperate in obtaining additional evidence, when appropriate, at the direction of the DDA, recognizing that the DA's Office has no investigative staff.
- The DDA will consider any information provided by DHS, LEA, and the child's family.
- DHS should cooperate fully with the DDA in providing records for discovery purposes in accordance with proper procedures.

Initiation of Legal Proceedings

- The DA's Office has sole discretionary responsibility for the initiation of legal proceedings.
- The DA's office agrees to collect all available information from DHS and LEA prior to deciding whether or not to prosecute. The decision will be based on all available information from those and/or other agencies and individuals.
- The DA's office may request additional investigation, including additional contact with the child and the child's family, as deemed necessary.
- The DA's office may suggest, when appropriate, other avenues of investigation prior to declining prosecution.
- It may be necessary for the DDA to meet with the child to assess competency.
- In determining whether or not charges will be filed, the DDA will consider the following, non-exclusive factors:
    - whether the facts and law support the charge(s)
    - nature of the conduct
    - the victim's ability to testify
    - the victim's statements
    - the defendant's statements
    - physical evidence regarding the allegations
    - witness statements
    - availability of expert testimony
    - legal issues
    - completeness of the investigation
    - suspect's criminal history

Prosecution continued

If prosecution is declined:

- The DA's Office agrees to provide to LEA a written statement of why prosecution was declined.
- If the DA's Office is aware of DHS involvement, notification of the decision to decline prosecution will be provided to DHS.
- The DA's office will reevaluate a case for prosecution if additional information comes to the attention of law enforcement that is of evidentiary or of legal significance.

If prosecution is accepted:

- The DA's Office has the sole responsibility for the determination of appropriate charges to file and/or submit to the Grand Jury for consideration.
- This responsibility is independent of whether or not the suspect was arrested and what, if any, charges were the basis of arrest.
- The act of filing charges is not a commitment to pursue the charges where new or additional charges preclude the likelihood of conviction or otherwise affect the achievement of a just result.
- Cases involving only misdemeanor charges will be charged by the prosecuting attorney.
- Cases involving felony charges will be presented either at Preliminary Hearing or to the Grand Jury, as governed by the DA's Office policy.
- Expert testimony should be used as necessary.

Grand Jury

- It is recognized that Grand Jury preparation is limited due to time constraints.
- Whenever appropriate the victim will testify.
- It is important that the victim and victim's family understand that the video recorded interview at CARES NW cannot be used in place of live testimony at Grand Jury or trial.
- No persons besides the DDA (and an interpreter if necessary) shall accompany a child victim or witness in the Grand Jury room while the child is testifying before the Grand Jury.
- If it were manifestly necessary for another person to be present during the Grand Jury proceeding and the DDA expressly consents to the presence of the witness, then a Court Order authorizing the presence of the other person will be sought by the DDA.
- No person accompanying a child victim or witness at the Grand Jury shall participate in any way during the proceeding.
- If DHS has physical custody of the child victim or witness:
    - The DDA will notify the DHS caseworker of the Grand Jury date and time;
    - The caseworker will need to facilitate attendance of the child and arrange transportation;
    - The caseworker should ensure the child is present at the DA's Office in a timely manner in order to facilitate pre-Grand Jury meeting with the prosecutor;

Prosecution continued

Grand Jury continued

- The caseworker may attend the meetings with the child;
- The caseworker should briefly explain the Grand Jury process to the child but the DDA and/or DA Victim Advocate will fully explain the process; and
- The caseworker should communicate to the DDA any reaction the child has to testifying at Grand Jury.

- When access to the child is hindered, the DDA should decide how to proceed after conferring with the caseworker and investigator.
  - If DHS is not involved, the DDA should coordinate attendance with help from the victim assistance staff.
  - The DDA shall personally accompany the child witnesses and victims to and from the Grand Jury room.
  - The DDA should advise the child, supportive family members, and concerned agency persons of the outcome of Grand Jury proceedings, as allowed by law.

Criminal Trials

- Presentation of the State's case is the responsibility of the DDA.
- Evidentiary considerations are the responsibility of the DDA.
- The DDA will determine the ability and competency of any child witness to testify at trial.
- All MDT members shall fully coordinate and cooperate with the trial proceedings.
- It will be assumed that, until the alleged offender pleads guilty, the child victim will probably be testifying in court.
- All witnesses are prepared for trial by and at the direction of the DDA. This includes DHS and LEA representatives.
- The DA's Office will contact DHS or parent(s) as appropriate to arrange for preparation of child witnesses and child victims.
- The DDA and DHS or victim assistance staff will help determine support persons available for the child, non-offending parent or guardian, and other witnesses, which may include the child's therapist.
- The DDA, victim assistance staff, and other support persons will work with the child victim to prepare the witness for testifying.
- The DA's Office should consult with DHS about the needs of DHS clients, including support, preparation for testimony, and transportation.
- DHS and victim assistance staff may help with meeting any special needs of the child victim (or non-offending parent/guardian and other testifying witnesses).

Procedures in Juvenile Cases

- The LEA report shall be sent to DHS immediately.
- All child abuse reports involving juvenile offenders shall be sent directly to the District Attorney's office via the administrative assistant for the DDAs assigned to the Juvenile Department, and a copy shall be sent to the Juvenile Department.
- If a juvenile age 12 or older is the suspect in non-Measure 11 case, a DDA assigned to juvenile unit of the DA's office shall decide whether a petition should be filed. This decision can be made after consultation with the Juvenile Department.
- In Measure 11 cases, it shall be the sole responsibility of the DA's Office to determine charges.

Prosecution continued

Procedures in Juvenile Cases continued

- If a juvenile, age 10 or 11, is the suspect in a report of sexualized behavior, the reports may be considered for juvenile prosecution or may be to the Problematic Sexual Behaviors Committee (via the MDT Coordinator). If the juvenile suspect is under 10 years of age, reports of sexualized behavior should be forwarded to the Problematic Sexual Behaviors Committee (via the MDT Coordinator).
- In determining whether or not charges will be filed for juveniles, aged 10 or 11, the DDA can consider the following, non-exclusive factors: whether the facts and law support the charge(s), nature of the conduct, the victim's ability to testify, the victim's statements, the youth's statements, physical evidence regarding the allegations, witness statements, availability of expert testimony, legal issues, completeness of the investigation, the youth's delinquency history, the youth's maturity, the youth's legal competency, and any other relevant factors.
- DHS and Juvenile Department policies should establish practice guidelines for representatives of those agencies regarding court hearings involving court jurisdiction and disposition in dependency and/or delinquency matters.

Dependency Cases (juvenile is a victim)

- DHS and the DDA (if requested) will review on a case-by-case basis.
- A Child Abuse DDA is available by phone 24/7 and may be called for consultation **[See Case Consultation appendix].**
- The determination of specific allegations and wording of the petition shall be the responsibility of the party initiating the petition (including private party petitions).
- The DDA may later amend any petition in any case in which he/she is involved.
- It is recognized that, by law, any party may file a petition.

VICTIM ADVOCACY

Victim advocacy and response is fundamental to the MDT response. The Washington County District Attorney's Office Victim Assistance Program and the CARES Northwest Family Navigator Program both provide comprehensive trauma-informed victim advocacy services and support for child abuse victims and their families throughout the life of a child abuse case.

The CARES Northwest Family Navigator (FN) is a social worker with comprehensive knowledge of trauma treatment modalities, crisis intervention, and case management. The FN will use critical thinking and social work ethics to provide care coordination to children and families served by CARES Northwest. The FN will orient families to CARES Northwest, and to multidisciplinary team member roles and resources. The FN will assess and address child/family barriers to care, partner with families to address their concerns, issues and needs, and facilitate appropriate referrals. The FN will serve as the central point of contact to the child/family, facilitating collaboration among multidisciplinary team members and ensuring an individualized approach throughout the length of the child/family's needs. This includes clinical service directly after the initial intake call, during the forensic evaluation, and providing support and engagement with outside resources post-evaluation.

The Washington County Victim Assistance Program (VAP) exists within the Washington County District Attorney's Office and was established in 1983 to help victims of crime navigate the criminal justice system. Victim Advocates (VAs) within the DA's Office provide crisis intervention, crime support services, criminal court accompaniment, courtroom tours and orientation, community resource referrals, emotional support, referrals to trauma-informed services and counseling, safety planning, and assistance with obtaining restitution and applying for the Oregon Crime Victims' Compensation Program. Victim Advocates promote meaningful participation in the criminal justice system by educating victims about their rights and advocating for the enforcement of these rights as needed. Child abuse victims and their families will be assigned a Child Abuse Team (CAT) Victim Advocate to work with them during the duration of the criminal case.

The District Attorney's Office VAP works interactively with multiple agencies throughout Washington County, the tri-county region, and the State of Oregon to build and ensure practical application of a coordinated community response to crime. Victim Advocates participate in regular interagency communication and collaboration with multiple law enforcement agencies throughout Washington County as well as nonprofit and government organizations including the Family Justice Center, CARES Northwest, Washington County Community Corrections, the Domestic Violence Resource Center, and the Sexual Assault Resource Center.

To ensure all child abuse victims in cases reviewed by the MDT receive access to support and services necessary to address their needs, CARES NW Family Navigators and District Attorney's Office Child Abuse Team Victim Advocates will actively participate in MDT cases reviews.

COMMUNITY CORRECTIONS

Pre-sentence Reports

Washington County Community Corrections (WCCC) will conduct pre-sentence investigations (PSI) and prepare Pre-sentence Reports when such reports are requested by the Court.

- The mental health provider may be contacted to determine the offender's treatment status.
- The offender will be interviewed to include his/her version of the offense in the PSI.
- DHS or the non-offending parent/guardian may be contacted regarding the victim's treatment needs.
- If the victim is a minor, no direct contact with the victim will be made by the pre-sentence investigator without the prior permission of the parent/guardian.
- If permission is not granted, the report writer will interview the parent/guardian.
- Disclosures of new crimes reported in the PSI process will be promptly reported to the DDA handling the case.
- Sentencing recommendations will be made to the Court.

Postconviction Supervision and Treatment

WCCC will also supervise the offender's progress and participation in treatment.

- The treatment provider must be approved.
- The releasing authority (Court, prison, etc.) will be notified of violations, and appropriate sanctions will be recommended.
- Scheduling of plethysmograph and polygraph exams will be coordinated (unless covered in treatment program).
- The offender will be directed to pay treatment costs for themselves and victim(s).
- The post prison supervising officer/probation officer will act as casework
- Coordinator for the therapists of the victim and the offender, when appropriate and requested by the victim.
- Drawing of blood for DNA profiling and HIV testing, when appropriate, will be coordinated.
- The requirements and procedures of sex offender notice ORS 181.806 and 181.807 will be explained to sex offender clients.
- Community notification of qualified offenders as deemed appropriate under current laws and Community Corrections policy will be conducted.

MEDICAL EVALUATIONS

- Children from birth to age eighteen should be referred to CARES NW for a medical evaluation.

- This referral applies to all children suspected of having been victims of sexual abuse, physical abuse, emotional abuse, neglect, domestic or dating violence, exposure to domestic violence and drug endangered children. Sexually trafficked children may also be referred for medical evaluations as circumstances allow.

- CARES NW is open Monday-Friday, 8:00am-5:00pm; medical consultation by phone is available 24 hours a day, 7 days a week **[See Case Consultation and CARES NW Guidelines for Referrals appendices]**.

- If a child or adolescent needs urgent medical attention during the hours that CARES NW is closed (weekdays after 5:00 pm; weekends), the child should be taken to the Randall Children's Hospital (RCH) emergency room for evaluation. If that is not an option, the child can be taken to Doernbecher Children's Hospital emergency room at OHSU. For non-urgent medical evaluation, CARES NW should be contacted to help determine the appropriate time and place for the child to have a medical evaluation. If a child is initially seen at a primary care office or an emergency room other than RCH, this medical evaluation does not mean that the child has had an adequate medical evaluation for suspected child abuse and neglect. CARES NW should be contacted as soon as possible in order to determine the need for additional evaluation at CARES NW. **[See Case Consultation, Karly's Law, Karly's Law Guide and Handout for Non-Designated Medical Professionals, Child Physical Abuse Investigation Flow Chart, and Child Abuse Investigative Checklist for Physical and Sexual Abuse Cases appendices]**.

Sexual Abuse: In cases of child sexual abuse, assess if the child or adolescent has had contact with the alleged offender within the past 72 hours (for children under age 12) or 120 hours (for children age 12 and older). If so, the child or adolescent should be seen as soon as possible either at CARES NW or at an ED with specific training/expertise in the Sexual Assault Forensic Examination (SAFE) kit **[See CARES NW Guidelines for Referral, Case Consultation, and Community Resources List appendices]**.

Physical Abuse: When a child has a suspicious physical injury and the investigator has a reasonable suspicion that the injury may be the result of abuse, the injury must be immediately photographed. The photographs should be taken by either the investigator or the medical professional. Anogenital photographs should only be taken by the medical professional.

- The child or adolescent must have a medical assessment by the Washington County Designated Medical Professional (DMP), which is CARES NW, or
- the designee of CARES NW **[See Designated Medical Professional appendix]**.

Medical Evaluations continued

Physical Abuse continued

- If, for whatever reason, the child or adolescent is unable to been seen by the DMP or its designee, the child or adolescent still needs a medical assessment within 48 hours.
- If the child or adolescent is seen at an alternative medical facility, the medical records and photographs associated with that visit must be sent to CARES NW within 72 hours for consultation **[See Karly's Law Guide and Handout for Non- Designated Medical Providers, Karly's Law, Child Physical Abuse Investigation Flow Chart, Child Abuse Investigative Checklist for Physical and Sexual Abuse Cases, and Case Consultation appendices].**

CARES NW Interview: Most children 4 years of age and older participate in a video recorded interview at CARES NW as a part of the complete medical evaluation. Even if a child or adolescent has had a screening medical assessment elsewhere, a referral to CARES NW for follow-up medical care and a complete interview is beneficial to assess the overall health and safety of the child.

CASE TRACKING

CARES NW is an accredited member of the National Children's Alliance (NCA), a membership organization that works to ensure all NCA member agencies continue to operate high-quality child abuse intervention programs with a strong commitment to helping children and to meeting nationally recognized standards for child abuse intervention.

The NCA standard for case tracking requires centers to develop and implement a system for monitoring case progress and tracking case outcomes for all team components. NCA requires CARES NW to report case outcome data to the NCA in January and July of each year.

In order to meet this standard, CARES NW will work with the Department of Human Services (DHS) and the District Attorney's Office (DA) as follows:

- DHS: DHS will coordinate with CARES NW to provide disposition data available on an ongoing basis.

- Washington County DA: The DA's Office will coordinate with CARES NW to make prosecution outcome data on perpetrators within the jurisdiction of Washington County available.

Following the January and July submission of the data to the NCA, or upon request, CARES NW will present the outcome data to the MDT for review and discussion.

Washington County
Child Abuse Multidisciplinary Team
Investigative Protocol Statement

In order to better serve the children in Washington County and to comply with the requirements of the law, we, the undersigned, do hereby enter into this Multidisciplinary Team Agreement. In agreeing to this protocol, we recognize that the best interests of the child are our overriding concern.

The undersigned agency will, to the extent possible, comply with the investigative protocol developed by the Washington County Child Abuse Multidisciplinary Team.

_____
Signature

_____
Name (Printed)

_____
Agency

_____
Date

Appendix Index

Sensitive Case Review 25

Protocol Compliance and Case Review 26

Child Physical Abuse Investigation Flow Chart 27

Child Abuse Investigative Checklist for Physical and Sexual Abuse Cases 28-29

Karly's Law 30-31

Karly's Law Guide and Handout for Non-Designated Medical Professionals 32

Designated Medical Professional 33

Case Consultation 34

Problematic Sexual Behavior Committee Protocol 35-36

Child Fatality Review Committee Protocol 37-41

Human Trafficking and Commercial Sexual Exploitation of Children (CSEC) Task Force Protocol 42-46

Community Resources List 47

List of Acronyms 48

CARES Northwest:

- Services Summary 49-50
- Sexual Abuse Guidelines for Referral 51
- Physical Abuse Guidelines for Referral 52
- Neglect Guidelines for Referral 53-54
- Emotional Abuse/Psychological Maltreatment Guidelines for Referral 55-56
- Domestic Violence Guidelines for Referral 57
- Guidelines re Professionals or Trainees Observing Evaluations 58-59
- Questions Proposed by Law Enforcement or Child Welfare Personnel During the Evaluation 60
- Guidelines for Interviewing Suspected Child Abuse Victims 61-62
- Age Criteria for Forensic Interviews 63
- Guidelines for Introduction of Evidence in the Forensic Interview 64-66
- Interpreter Guidelines 67-68
- Therapeutic Interventions 69-70
- Guidelines for Verbal Sharing of Patient Information 71
- Confidentiality of CARES Northwest Records 72-73
- Trauma-Focused Therapy Records: Attorney Request 74

Washington County Drug-Endangered Child (DEC) Protocol 75-94

SENSITIVE CASE REVIEW

The following may be considered sensitive cases:

1. Cases involving public officials, public employees, or persons involved in child abuse/advocacy work;

2. Highly publicized cases;

3. Cases where a non-offending parent/guardian expresses concern regarding the handling of the case;

4. Cases where a member of the public expresses concern regarding the handling of the case.

Any case that has been reported to an MDT member may be subject to review.

The names of the victim(s) and suspect(s) will not be disclosed unless this information is common knowledge or is otherwise necessary for review purposes.

Cases involving public officials, public employees, or persons involved in child abuse/advocacy work or highly publicized cases shall be reviewed.

When a case is appropriate for review, it will be reviewed by members present at the MDT meeting.

If the non-offending parent or guardian of the child or a citizen has expressed concern regarding the handling of a case, they shall be notified of the review and will be allowed to present written comment to the MDT.

Findings from the review may be shared for the purpose of recommending improvements and corrections in services and procedures.

PROTOCOL COMPLIANCE AND CASE REVIEW

Evaluating and Reporting Compliance-ORS 418.747

- The MDT Coordinator will select cases to review for MDT Protocol and Karly's Law compliance on a monthly basis. Child Abuse MDT members should contact the MDT Coordinator if there are protocol compliance issues related to Karly's Law, cross-reporting requirements involving DHS or law enforcement, or children not being referred to CARES NW for assessment.

- MDT members may also contact the MDT Coordinator and request a case review for reasons beyond MDT protocol compliance. MDT members are encouraged to request an MDT staffing on challenging active cases that could benefit from group review. Closed or adjudicated cases may also be reviewed by the MDT. The MDT Coordinator may also reach out to individual MDT members or agencies to request cases for review.

- The MDT Coordinator will send a list of cases to be reviewed at the monthly MDT meeting to involved parties via secure email prior to the meeting. The MDT Coordinator, or other MDT members as designated, will follow-up on MDT case review recommendations. Recommendations will be noted by the MDT Coordinator in the monthly MDT minutes.

- The MDT Coordinator will note protocol compliance issues in records (monthly MDT minutes) and will make this information available to the CAMI program upon request.

CHILD PHYSICAL ABUSE INVESTIGATION FLOW CHART

KARLY'S LAW (ORS 419B.020, 419B.023)

Call received regarding **SUSPICIOUS** physical injury.

(1) LEA makes in-person contact AND;
(2) LEA conducts field assessment and interviews
   a. Reporting Party
   b. All Witnesses
   c. Child (if necessary).

Injury is severe and/or serious.

Photograph injury (unless located on genitalia).

Contact EMS if appropriate, DHS immediately for child placement, notify supervisor, contact Detective Sgt. (notify on-call DA if applicable).

Injury is not serious but is suspicious in nature.

Photograph injury (unless located on genitalia).
EVEN IF THERE ARE NO VISIBLE INJURIES!

(1) Call Designated Medical Provider to notify them of the investigation, to provide caregiver's explanation for injury and to triage case for possible physical exam AND;
(2) Mail or provide (via email where applicable) photographs within 48 hours AND; (3) Complete and Fax DHS cross report.

Recommendation made for physical examination through Designated Medical Provider within 48 hours or, if applicable, an alternate medical facility.

No Recommendation made.
(1) Complete written report AND;
(2) Attach photos to the report AND;
(3) Ensure DHS cross report has been completed.

(1) Notify Detectives of recommendation made by Designated Medical Provider;
(2) Complete detailed written report;
(3) Attach photos to the report and place originals in evidence and make copies for distribution;
(4) Ensure DHS cross report has been completed by end of shift.
(5) Refer to Detectives for case assignment

*In most cases Detectives will schedule examinations if recommended; however, in some cases patrol may be required to set up such an appointment.

Child Abuse Investigative Checklist for Physical and Sexual Abuse Cases

What is the nature of the child abuse allegation?	**Physical?** **Sexual?**	**Y** **Y**	**N** **N**
What makes the injury suspicious?			
Has DHS been notified and cross-reported? **Is there a safety plan in place?** **If you have reasonable suspicion, do not be afraid to take the child into protective custody.**	**DHS Notified?** **Safety Plan in Place?**	**Y** **Y**	**N** **N**
Do not interview the victim unless absolutely necessary. **Document anyone who has spoken to the victim:**			
What are the conditions like in the home or scene of allegation?	**Photograph?**	**Y**	**N**
Is there any physical evidence present? (i.e., weapons/clothing/cell phones/computers) **Any forensic evidence to collect? (DNA, Sexual Assault Forensic Exam kit, fingernail clippings)**	**Physical Evidence?**	**Y**	**N**
Are the parents and/or witnesses cooperative? **Document who is present:**	**Parent/witnesses present?**	**Y**	**N**
Are there any other children in the home? **Document name(s) and age(s):**		**Y**	**N**
If injury is present or alleged, photograph immediately (unless located in the genital region).	**Injuries present?** **Injuries photographed?**	**Y** **Y**	**N** **N**
If possible, photograph suspect.	**Suspect Photographed?**	**Y**	**N**

Notify Supervisor of Karly's Law case, if applicable **Supervisor to notify Detective Sergeant, if applicable.**	**Supervisor Notified?** **Det. Sgt. Notified?**	**Y** **Y**	**N** **N**
Contact on-call DDA, if applicable. (Non-emergency Dispatch [503-629-0111] has on-call DA schedule and phone numbers)	**DDA Contacted?**	**Y**	**N**
Ensure a medical evaluation is scheduled within 48 hours (CARES NW or Randall Children's Hospital ED), if applicable. **Fax report to CARES NW at: 503-276-9005.**	**Medical Evaluation Scheduled? When?** _____ **Report Faxed to CARES NW?**	**Y** **Y**	**N** **N**

Photographs are printed for distribution or e-mailed (with identifying information and dates photographs were taken) to the following involved agencies:

CARES NW:
caresnwintake@lhs.org
2800 N. Vancouver Ave Ste. 201
Portland, OR 97227
503-276-9000 (within 24 hours)

DHS: Contact Hotline: 1-855-503-SAFE (7233)
Determine caseworker assigned.
Send photographs by e-mail (if available).
Get mailing address from caseworker.

Submit photographs and reports to the DA's Office.

_____
Primary Officer Assigned, DPSST

_____
Supervisor, DPSST

Investigator Assigned? Y / N

_____
Supervisor, DPSST

KARLY'S LAW

If a person conducting an investigation under ORS 419B.020 observes a child who has suffered a **suspicious physical injury and** the person has a **reasonable suspicion that the injury may be the result of abuse**, Karly's Law (ORS 419B.022 and 419B.023) is triggered and the person shall immediately:

- Photograph or cause to have photographed the suspicious physical injuries in accordance with ORS 419B.028.

  The person taking the photographs or causing the photographs taken shall, **within 48 hours or by the end of the next regular business day (whichever occurs later)**:
  - Provide hard copies of prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional (secure email address is caresnwintake@lhs.org) and
  - Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in any relevant files pertaining to the child maintained by LEA or DHS.

- Ensure that a designated medical professional conducts a medical assessment within 48 hours, or sooner if dictated by the child's medical needs **[See Designated Medical Professional appendix]**.

If a designated medical professional is not available, the child shall be evaluated by an available medical professional.

If the child is evaluated by other than the designated medical professional, the evaluating physician, physician's assistant, or nurse practitioner shall make photographs, clinical notes, diagnostic and testing results and any other relevant materials available to the designated medical professional for consultation **within 72 hours following the evaluation of the child [See Karly's Law Guide and Handout]**.

The person conducting the medical assessment may consult with and obtain records from the child's regular pediatrician or family physician under ORS 419B.050.

Nothing in this section prevents a person conducting a child abuse investigation from seeking immediate treatment from a hospital emergency room or other medical provider for a child who is physically injured or otherwise in need of immediate medical care.

Nothing in this section limits the rights provided to minors in ORS chapter 109 or the ability of a minor to refuse to consent to the medical assessment described in this section.

Karly's Law continued

The above requirement shall apply each time suspicious physical injury is observed by DHS or LEA during the investigation of a new allegation of abuse or if the injury was not previously observed by a person conducting an investigation under ORS 419B.020 and regardless of whether the child has previously been photographed or assessed during an investigation of an allegation of abuse.

The definition of suspicious physical injury includes the following:

- burns or scalds
- extensive bruising or abrasions on any part of the body
- bruising, swelling, or abrasions on the head, neck, or face
- fractures on any bone in a child under the age of three
- multiple fractures in a child of any age
- dislocations, soft tissue swelling, or moderate to severe cuts
- loss of the ability to walk or move normally according to the child's developmental ability
- unconsciousness or difficulty maintaining consciousness
- multiple injuries of different types
- injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ
- any other injury that threatens the physical well-being of the child

[See Child Physical Abuse Investigation Flow Chart for use as an additional resource].

Karly's Law Guide and Handout for Non-Designated Medical Professionals

The statutes from House Bill 3328 have specific requirements regarding the handling of cases involving suspicious physical injury (as defined in Section 3 (1b) of the bill) that must be met by law enforcement, the Department of Human Services (DHS), and medical providers. Suspicious physical injury includes, but is not limited to:

- Burns or scalds;
- Extensive bruising or abrasions on any part of the body;
- Bruising, swelling or abrasions on the head, neck or face;
- Fractures of any bone in a child under the age of three;
- Multiple fractures in a child of any age;
- Dislocations, soft tissue swelling or moderate to severe cuts;
- Loss of the ability to walk or move normally according to the child's developmental ability
- Unconsciousness or difficulty maintaining consciousness;
- Multiple injuries of different types;
- Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ; or
- Any other injury that threatens the physical well-being of the child.

When a suspicious physical injury has been identified, the following procedures will take place:

Photographs:

Photographs must be taken each time suspicious physical injury is observed by DHS or law enforcement, regardless of whether the child has previously been photographed for a different injury (Section 3 (2)(a).

- These photos shall be placed in relevant law enforcement, DHS, and medical files within 48 hours (Section 5(2b).
- These photos shall be provided to a designated medical professional within 48 hours (Section 5 (2a).

Medical Assessment:

A Designated Medical Professional (DMP), or their designee, must conduct a medical assessment within 48 hours (Section 3 (2b). However, if after a reasonable effort, law enforcement or Department of Human Services personnel are unable to get the child seen by the DMP or their designee, the child must be seen by any available physician (Section 3 (4)(a).

Should the child see anyone **other** than the DMP or their designee, the following requirements and timelines will apply:

- The medical professional shall make photographs, clinical notes, diagnostic and testing results and any other relevant materials available to the designated medical professional within 72 hours following the evaluation of the child (Section 3 (4)(b)). *(This disclosure is authorized by HIPAA, which provides that covered entities may disclose protected health information about an individual whom the covered entity reasonably believes to be a victim of abuse or neglect to the extent the disclosure is required by law. 45 CFR 164.512(c)(1).)*
- The medical professional may consult with and obtain records from the child's regular pediatrician or family physician (ORS 419B.050).
- The medical professional may, within fourteen days, refer children five years of age or younger for a screening for early intervention services or early childhood special education. This referral may NOT indicate the child is subject to a child abuse investigation.

Please Print:

Designated Medical Professional Name: **CARES Northwest Medical Providers**

Designated Medical Professional's Address (to send medical exam records within 72 hours):

CARES Northwest, 2800 N. Vancouver Avenue, Suite 201, Portland, OR 97227

Phone #: **503-276-9000** Fax #: **503-276-9005, e**mail: **caresnwintake@lhs.org**

Date Law Enforcement/DHS Contact Information: Case #

DESIGNATED MEDICAL PROFESSIONAL

CARES Northwest is the designated medical professional. A physician, physician's assistant or nurse practitioner, trained to conduct child abuse medical assessments, as defined in ORS 418.781, will see the child.

Randall Children's Hospital Emergency Department shall also be a designated medical professional.

CASE CONSULTATION		
Consultant	**Monday-Friday, 8-5**	**Evenings/Weekends**
DA	503-846-8671 OR through non-emergency dispatch	Through non-emergency dispatch (503-629-0111)
DHS	Hotline 855-503-SAFE (7233) (24/7) Hotline Fax 503-656-0401	Hotline 855-503-SAFE (7233) (24/7) Hotline Fax 503-656-0401
Medical	CARES Northwest 503/276-9000/9020 Fax 503-276-9010/9005	Randall Children's Hospital Operator 503-413-2200. Ask for CARES Northwest physician on call.

AFTER HOURS MEDICAL EVALUATION		
Allegation	**Preferred**	**Alternatives**
Acute Sexual Assault (<72 hrs for children under age 12; <120 hrs for children age 12 and older)	Randall Children's Hospital Operator (all ages) 503-413-2200. Ask for CARES Northwest physician on call.	OHSU ED 503-494-8311 Providence St. Vincent Medical Center ED (Age 12+ only) 503-216-2361
Physical Abuse	Randall Children's Hospital Operator 503-413-2200. Ask for CARES Northwest physician on call.	OHSU ED 503-494-8311 Providence Providence St. Vincent Medical Center ED 503-216-2361
Physical Abuse – Head Trauma	Randall Children's Hospital Operator 503-413-2200. Ask for CARES Northwest physician on call.	OHSU ED 503-494-8311
DEC/Neglect	Randall Children's Hospital Operator 503-413-2200. Ask for CARES Northwest physician on call.	

PROBLEMATIC SEXUAL BEHAVIOR COMMITTEE PROTOCOL

PURPOSE

The following protocol outlines the response to referrals in which a child under the age of twelve is alleged to be acting-out in a sexually inappropriate manner. The objectives of this protocol are to establish a comprehensive and coordinated effort in the investigation, intervention, and prevention of further sexually acting- out behavior, and to establish a system-wide, consistent approach to these referrals.

PARTICIPATION

This protocol has been adopted by the Washington County Child Abuse Multidisciplinary Team (MDT), and applies to all participating members of the MDT. All agencies included in this protocol will encourage parents/guardians and/or complainants to report alleged incidents to police or the Department of Human Services (DHS).

REFERRAL PROCEDURE

Pursuant to ORS 419B.015, when a report is received by a police agency (LEA), they will notify DHS; and, when a report is received by DHS, they will notify the appropriate LEA. The DHS Intake Supervisor will screen all referrals. If the case does not meet the DHS Threat of Harm Screening Guidelines, the DHS Supervisor will refer the case to the Problematic Sexual Behavior Committee (PSBC) by notifying and forwarding reports to the MDT Coordinator. Those complaints involving children 10 years of age or older will be directed to a Deputy District Attorney (DDA) assigned to the Juvenile Court. A DDA assigned to the Juvenile Court will review referrals for prosecutorial merit. If declined, the DDA will refer reports to PSBC.

PSBC REVIEW

The Problematic Sexual Behavior Committee will meet monthly to review all referred cases. The PSBC meeting will be facilitated by the Child Abuse MDT Coordinator and comprised of representatives from the following agencies:

- Department of Human Services (DHS)
- Washington County Juvenile Department
- Washington County District Attorney's Office
- Washington County Law Enforcement Agencies
- Washington County Public Schools Representatives
- Washington County Mental Health
- CARES Northwest
- Washington County Juvenile Department

An attendance roster, including a confidentiality statement, will be maintained by the MDT Coordinator.

PSBC Protocol continued

The MDT Coordinator will screen each referral received and will complete a PSBC Screening Sheet. This will be attached to the reports received from DHS and/or LEA and will be provided to the committee members for review prior to the monthly PSBC meeting. PSBC members will review their records for information related to the case to share at the PSBC meeting.

The PSBC will determine the response, based on a review of, but not limited to, the following:

- Police and DHS reports,
- CARES NW or mental health evaluations
- The age of the children involved and the severity of the alleged conduct
- Any other relevant risk factors

The PSBC will determine the appropriate response from one or more of the following:

- Close the case (as it is already being appropriately handled)
- Table for further review or to collect more information
- Send a letter to and /or call the parent/guardian of the child/children to provide appropriate referrals to community resources (primarily specialized mental health counseling resources and the CARES NW Family Support Team)
- Refer the case to the Juvenile Department for follow-up
- Refer to other agency for follow-up

The MDT Coordinator is primarily responsible for family outreach (including an explanation of the PSBC process) and for family resource referrals (via letter and/or phone). Other PSBC members may do family outreach as appropriate. The MDT Coordinator may also refer cases to other agencies as needed and will maintain a record of each case reviewed, including PSBC recommendations and outcomes.

The MDT Coordinator is responsible for maintaining PSBC records and summarizing PSBC activity showing the number of cases reviewed, the nature of the allegations and the number of referrals. This report will be shared with the MDT.

This protocol will be reviewed as needed and may be amended by the PSBC upon approval of the MDT.

CHILD FATAILTY REVIEW COMMITTEE PROTOCOL

Purpose

Pursuant to ORS 418.785, the Washington County Child Abuse MDT has established a formalized child fatality review process. The Child Fatality Review Team reviews all unexpected deaths of children under the age of 18 to determine if the death could have been prevented, to improve agency coordination, to identify local and state issues related to preventable child fatalities and to implement prevention initiatives at the local level.

Membership

District Attorney, Child Abuse MDT Coordinator, Medical Examiner, Law Enforcement, State Department of Human Services, Public Health, CARES Northwest, Mental Health, Juvenile Department, Community Corrections, Emergency Medical Services, School Districts and other participants by invitation. If a child death occurs in a child day care facility, a representative from the Office of Child Care will be invited to attend the fatality review.

Roles

District Attorney:
Provide legal definitions, explanations and training pertaining to legal issues; Answer questions about specific cases and the likelihood of involvement in the criminal justice system; Define legal terminology that may impact what is identified or described as suspicious versus abuse; interpretation/assessment of the threshold of the commission of a crime; Provide assistance/guidance for further investigation to participating agencies and determining if there is any pending criminal investigation; Serve as a liaison with the city attorney and county counsel as necessary.

Child Abuse MDT Coordinator:
Make a determination, according to the team's criteria, of the cases to be reviewed by the team; Facilitate team meeting, Serve as a liaison with agencies within the county, state (State Child Fatality Review Team) and nationally (National Center for Fatality Review and Prevention); Schedule and notify the team members of upcoming review meetings; Arrange to have the necessary information from investigative reports, medical records, autopsy reports or other items made available to members of the team; responsible for reviewing, entering and updating case data into the National Center for Fatality Review and Prevention (CFRP) Child Death Review (CDR) database; Distributes prevention information from the State Child Fatality Review Team and the National Center for Child Fatality Review and Prevention to the team; Follow-up on any CFR prevention recommendations or initiatives as identified by the CFR team and communicate prevention initiative updates to the state and national CFR Teams. Assist in presenting cases as requested at annual State Fatality Review meetings. Identify specialized trainings for CFR Committee members.

Medical Examiner:
Provide medical history of the decedent, including subpoenaed records, if necessary; Provide the cause and manner of death, the autopsy protocol and investigative information relative to the death injury; Provide expert information regarding environmental features at the scene of death; Interpret growth and development of the child, injuries as intentional vs. non-intentional, the number of events and time of events, and the mechanism of death; Differentiate natural disease from abuse or neglect; Provide consultation about potential expert testimony for any legal action.

Law Enforcement:
Provide the team with witness information and witness statements, scene photographs, latent and physical evidence, measurements, and sketches; Provide suspect information, background information on involved parties and resources to conduct further inquiry desired by the team; Liaise to county law enforcement agencies and provide feedback to law enforcement regarding issues related to child deaths. Each year, law enforcement responds to many scenes involving the death of children. Of these, some will be identified quickly as homicides, child endangering and neglect. These types of incidents are handled appropriately by using established police procedures when dealing with death scenes. In situations where the cause of death is not obvious, the duties of the officer at the death scene are to interview, document and photograph the scene of death to assist the medical examiner in determining the cause, manner and mode of death.

Department of Human Services:
Provide case management information regarding past and/or current interventions with the child and his/her family; Receive referrals from the team on those cases where circumstances surrounding the death suggest other children in the home may be at risk; Provide information regarding other types of services available within the Department and/or community which may be appropriate for the family; Provide information and consultation regarding the juvenile court process and the availability of the court to protect or intervene with surviving siblings; Provide feedback from the team to the units within the local branches on issues relating to child protection.

Public Health Officer:
Liaise/refer to health-based prevention/intervention systems; Assist in the discovery and review of previous public and/or private health care and medical records; Provide vital statistic data; Use data, case histories, and trends from the child fatality review to develop prevention programs and/or public awareness of high risk populations.

Medical Professional from CARES Northwest:
Provide information about the process of normal infant and childhood growth and development; Interpret the findings of cases in the context of normal growth and development; Assist in the identification of cases where findings are inconsistent with normal growth and development; Provide information regarding the diagnosis of child abuse, the expected course of diseases and medical conditions of infancy and childhood and assist in the interpretation of case findings in this context; Review the case, provide information about the expected outcome and complications of various

treatments and interpret case findings in this context; Provide information in the area of community standards of medical care; Serve as liaison with the medical community; Provide team with current information from the medical literature pertinent to the case or topic under discussion; Assist in the review of previous health care/medical records.

Mental Health:
Provide information or answer questions about mental health and chemical dependency diagnosis and treatment, which may come up in the course of case review; Provide an understanding of individual and family psychodynamics, psychopathy and the psychological issues associated with child abuse, which can help make examination of cases more productive and useful for members of the team; Provide an understanding of complex social systems, and optimal ways of intervening to produce change in social systems that can be useful in defining ways of improving system functioning; Review previous treatment records for information that may be relevant to the prevention, identification, management or treatment of child abuse; Provide in-depth review and feedback to the mental health community about completed suicides of children who have been previously maltreated; Make sure information is available regarding accessing mental health supports for families and professionals who have been traumatized by the death of a child; Extend support to classmates/school staff of victims of sudden, unexpected death and to the baby-sitter or care provider of the infant/child victim; Provide an understanding of the intense personal emotions associated with child maltreatment, child protection and the death of children, to help the team maintain its equilibrium and concentration on its long term goals.

Washington County Community Corrections:
Provide information to the team regarding mandated treatment for offenders and provide specific information on an offending parent under supervision; Provide criminal histories on involved parties and provide assistance regarding prevention strategies.

Emergency Medical Services:
Provide history of response and/or transport by emergency services; Provide information about death scene, if appropriate; Provide copies of patient care forms and dispatch tapes, if appropriate; explain emergency medical services policy and procedure.

Member Replacement

When a seat is vacated by a member agency, it is the responsibility of that agency to select an employee of that agency to serve on the team. If the agency declines to submit a new member, the team will appoint a new member by invitation. When a seat is vacated by a representative of a discipline, the team will invite a person from that discipline to serve. New members will receive a packet containing the protocol, applicable forms, history, and legislation implementing the child fatality review.

Meeting

Meetings will be held quarterly or as needed, typically on the third Monday of January, April, July, and October. If the third Monday is a holiday, the meeting will be on the fourth Monday of the month.

Attendance

If a member is unable to attend a meeting, a substitute should be selected to attend in their place. If a substitute is unable to attend, prior to the meeting, all available information about each fatality to be reviewed should be forwarded to the MDT Coordinator. Also, the MDT Coordinator shall attempt to invite the law enforcement officers involved in the investigation of the fatality to attend the meeting.

Confidentiality

Because the purpose of the fatality review process is to conduct a full examination of each reported case, members must share confidential information about children and families. Therefore, confidentiality statements will be signed by members prior to each meeting of the Child Fatality Review Team, ensuring that information disclosed during the review will remain confidential and will not be used for purposes outside the purview of the fatality review process. Fatality reviews are exempt from public open meeting laws and subpoena.

Cases to be reviewed

1) Child fatalities in which child abuse or neglect may have occurred at any time prior to death or may have been a factor in the fatality
2) All child fatalities where the child is less than 18 years of age and there is an autopsy performed by the medical examiner
3) Any other child fatalities determined by the MDT to be appropriate for review

The medical examiner and/or law enforcement agencies will provide a list of deaths to be reviewed and the accompanying reports to the MDT Coordinator. A meeting agenda will be sent to team members at least two weeks prior to the review to enable them to check their records and bring pertinent information to the review.

Records

All unexpected deaths of children under the age of 18 will be entered in the District Attorney's case management system (PBK). If no criminal charges are filed or if no further investigation is needed, a charging decision will be sent to the law enforcement agency who responded to the incident. Additionally, all cases and related data are to be entered into the National Center for Fatality Review & Prevention database by the Child Abuse MDT Coordinator. The National Center for Fatality Review and Prevention (NCFRP), in collaboration with state fatality review programs, manages this web-based reporting system. Findings from the data entered into this database guides program, service and policy efforts to help keep infants and children safe, healthy and alive.

The MDT Coordinator will prepare an annual report summarizing Committee activity showing the number of child death cases reviewed, the nature of the deaths reviewed, and any prevention activities initiated by the CFR team. This report will be shared with the larger MDT.

Human Trafficking and Commercial Sexual Exploitation of Children (CSEC) Task Force Protocol

Purpose

The purpose of the Washington County Human Trafficking and Commercial Sexual Exploitation of Children Task Force is to work collaboratively with local law enforcement and community partners to proactively combat human trafficking in Washington County. Task Force members are committed to working together to ensure effective, consistent, comprehensive and collaborative response to human trafficking.

The Task Force is a subcommittee of the existing Washington County Child Abuse Multidisciplinary Team (MDT). This protocol has been adopted by the MDT and applies to all members. While this protocol is specific to sex trafficking, it is intended to serve as a supplement to the overall MDT protocol, which should be referred to as needed. Given the complicated and diverse nature of these cases, there may be a need to deviate from the protocols on a case-by-case basis using professional discretion and upon consultation when appropriate.

This protocol will be reviewed as needed and may be amended by the Task Force upon approval of the larger Child Abuse MDT.

Goals

The primary goals of the Task Force are to identify and provide services to victim/survivors, identify offenders, collaborate to ensure cases are investigated effectively and to promote community safety. The Task Force meets regularly to staff cases, share information, discuss issues and develop best practices to serve victim/survivors and hold offenders accountable. Members are dedicated to achieving these goals.

To accomplish these goals, the Task Force will focus on 1) identifying and supporting victims/survivors of commercial sexual exploitation, 2) identifying, investigating and prosecuting offenders who traffic and purchase sex with youth, and 3) identifying and obtaining funding to provide continued support for victims/survivors, and to equip law enforcement with support to investigate these crimes. The Task Force also recognizes the importance of proactive police investigation and will work together to detect offenders and identify victims/survivors.

The Task Force also understands the importance of public outreach on this issue and will work to develop and sustain an outreach and awareness plan for the community. The focus will be on delivering consistent and culturally-appropriate training and activities within the community. The Task Force recognizes January as Human Trafficking Awareness Month.

Multidisciplinary Approach

The Task Force is comprised of members from all disciplines that are necessary to fulfill its purpose and goals. Our response to victims/survivors and their needs will continue from the initial interaction, through a criminal investigation and prosecution if applicable, to continued support following a criminal case. Each agency will follow their best practices when interacting with victims/survivors and respect those of other agencies within the Task Force. We will continually work to identify any additional members that would help us meet our goals and identify any gaps within our response.

Age Component

We recognize that a large majority of these victims/survivors were subjected to commercial sexual solicitation as minors. Our Task Force will include both child and adult human trafficking victim/survivors up to age 25. Cases which involve victim/survivors between ages 18-25 will take place at the end of each meeting to maintain CAMI fund requirements.

Membership and Roles

The Task Force is comprised of representatives from the following agencies:

- Department of Human Services
- Washington County District Attorney's Office
- Safety Compass
- Washington County Juvenile Department
- Beaverton Police Department
- Hillsboro Police Department
- Washington County Sheriff's Office
- Tigard Police Department
- Tualatin Police Department
- Forest Grove Police Department
- Sherwood Police Department
- CARES Northwest
- Juvenile Justice
- Providence St. Vincent SANEs

Representatives from additional agencies may be added as necessary and will be determined by the Task Force.

Meetings

The Task Force meets bimonthly, on the second Monday of every odd month, following the regularly scheduled MDT meeting. Each meeting with consist of an agenda and case staffings. If a member is unable to attend, a substitute should be selected to attend

in their place. An attendance roster, including a confidentiality statement, will be maintained by the MDT Coordinator. Additional meetings and/or case staffings will be scheduled as needed.

Law enforcement only meetings are held monthly on the fourth Thursday of every month. These meetings are designed specifically for law enforcement members to staff cases and develop strategies to combat sex trafficking.

Confidentiality Policy

At each Task Force meeting, members in attendance will sign a confidentiality agreement to reflect a pledge to confidentiality. The purpose of this policy is to preserve confidential information while encouraging discussion regarding the investigation and prosecution of CSEC cases. To preserve confidential victim information, the participants agree that information revealed through the staffing of cases shall not be disclosed to any other person except as is required for the investigation or prosecution of a criminal case, or the advancement of best practices through training. This policy does not relieve any member of their individual professional, ethical obligations or legal responsibilities of confidentiality or privilege.

Law Enforcement

- Law enforcement receives reports from a variety of sources. It is the responsibility of each agency to evaluate the information and make case assignment determinations.
- When a report is made, law enforcement will notify the on-call Safety Compass advocate (971-235-0021) for assistance and any other necessary MDT members. After a case is assigned for follow-up investigation, the LEA will notify other MDT members as necessary throughout the investigation process.
- Investigators will work closely with the assigned DDA and conduct additional investigation as requested. Investigators will maintain an active role in the case until its legal conclusion.
- Law enforcement members will be aware of CSEC indicators and risk factors and will use those tools to identify CSEC youth and/or offenders.
- Law enforcement will use a trauma-informed, victim-centered approach with CSEC youth. Investigators will approach interactions with victims in a sensitive manner and refrain from using terms like prostitutes or criminals.
- Investigators should fully utilize resources that are working in direct support of the exploited child including but not limited to Safety Compass, DHS, the District Attorney’s Office and the Juvenile Department.
- Law enforcement will attend task force meetings regularly and case staffings as requested.

Medical

- The victim/survivor should be referred to a medical professional when appropriate. A medical examination will be a priority.
- For children under 18 years of age, CARES NW should be contacted for a medical examination and/or forensic interview. If outside regular business hours, the child should be referred to Legacy Emanuel Medical Center.
- For adults and older minors in appropriate circumstances, the victim should be referred to Providence St. Vincent Medical Center for an examination by a SANE.
- Investigators should use their expertise and best judgment in determining whether the child should be interviewed by a forensic examiner (CARES NW or equivalent) or by law enforcement.
- Investigators will always prioritize the best interests of the child.

Advocacy

- The Task Force recognizes Safety Compass as a culturally-specific advocacy service for survivors of commercial sexual exploitation in Washington County and neighboring counties. Safety Compass should be contacted by all MDT members for victim response.
- All MDT members will work collaboratively with Safety Compass and respect any confidentiality limits that exist.
- A DA Victim Advocate will be assigned who is specialized and trained in child abuse investigations and sex trafficking.
- The DA Victim Advocate and Safety Compass will work collaboratively to support the victim/survivor.
- Advocates will accompany the victim to court proceedings and provide continued support as desired by the victim/survivor.
- Advocates will connect the victim/survivor with mental health services and other community resources as needed.
- The DA's Office Victim Advocate will ensure crime victim's rights are thoroughly explained to victims/survivors and will assist victims in invoking their rights related to the prosecution of the criminal case.
- The DA's Office Victim Advocate will assist victims/survivors in applying for the Crime Victims' Compensation Program and in applying for restitution as appropriate related to criminal cases.

Prosecution

- When a case is referred to the DA's Office for prosecution, the Chair or designee will review the case and handle the prosecution.
- The DDA will review all reports and evidence submitted by law enforcement as promptly as possible to determine if there is sufficient evidence to charge the suspect with a crime.
- If appropriate, the DDA will file a Sexual Assault Protective Order and protect the victim's identity in the charging document and whenever possible.
- The DDA will review the reports to confirm all appropriate MDT members have been contacted and/or notified.
- The DDA will conduct all interactions with victims/survivors using a trauma-informed and victim-centered approach.
- The DA's Office will work to educate all DDAs of possible CSEC indicators or risk factors that may identify victims or offenders.
- The DA's Office will review cases to identify potential CSEC victims and offenders and will refer cases to the subcommittee to be staffed as soon as practicable. The DA's Office will refer any identified suspected victims or offenders to the appropriate MDT members for follow-up.

Community Resources List

Medical:
CARES Northwest Main Desk: 503-276-9000; fax: 503-276-9005

CARES Northwest secure email address: caresnwintake@lhs.org

Randall Children's Hospital ED: 503-276-9191

Randall Children's Hospital Operator: 503-413-2200, Request "CARES Northwest physician on call."

OHSU ED: 503-494-8311

Providence St. Vincent Medical Center ED: 503-216-2361

DHS:
Child Abuse Hotline: 1-855-503-SAFE (7233)
Hotline Fax: 503-656-0401

District Attorney:
District Attorney's Office (M-F, 8-5): 503-846-8671

Child Abuse District Attorney On-Call – schedule and phone numbers available through non-emergency dispatch (503) 629-0111.

Victim Assistance (available M-F, 8-5): 503-846-8671 (This number can also be given directly to victims)

Victim/Survivor Resources:
Sexual Assault Resource Center (SARC) 24-hr crisis line: 503-626-9100

Washington County Mental Health Crisis Line: 503-291-9111

Center for Counseling and Victims' Services: 503-846-3020

Domestic Violence Resource Center (DVRC): 503-640-5352

Family Justice Center (FJC): 503-430-8300

Hawthorne Walk-In Center: 503-846-4555

Safety Compass: 971-235-0021

VINE: Victim Notification System:1-877-674-8463 (provides information to victims about an offender's custody status)

Crime Victims' Compensation Fund (assists w/medical and counseling expenses not covered by insurance): 1-800-503-7983

List of Acronyms

CAMI – Child Abuse Multidisciplinary Intervention
CARES NW – Child Abuse Response and Evaluation Services Northwest
CASA – Court-Appointed Special Advocate
CAT – Child Abuse Team
CCD – Child Care Division
CFR – Child Fatality Review Committee
CPS – Child Protective Services
CRB – Citizen Review Board
CSEC – Commercially Sexually Exploited Children
CVS – Center for Victim Services
CW – Child Welfare
DA – District Attorney
DD – Developmental Disabilities
DDA – Deputy District Attorney
DEC – Drug Endangered Children
DHS – Department of Human Services
DMP – Designated Medical Professional
DOJ – Department of Justice
LEA – Law Enforcement Agency/Agencies
MDT – Multi-Disciplinary Team
ORS – Oregon Revised Statutes
OAR – Oregon Administrative Rules
OYA – Oregon Youth Authority
PSBC – Problematic Sexual Behavior Committee
PSI – Pre-Sentence Investigation
RVA – Rape Victim Advocate
SAFE – Sexual Assault Forensic Examination
SANE – Sexual Assault Nurse Examiner
SARC – Sexual Assault Resource Center

cares northwest

Protecting children, healing lives.

Kaiser Permanente
OHSU Doernbecher Children's Hospital
Providence Children's Health
Randall Children's Hospital at Legacy Emanuel

Section: Intake
Origination Date: 01-02-01
Last Revision Date: 09-15-20

SUBJECT: Services Summary: Program Description and Guidelines for Referral

CARES (Child Abuse Response and Evaluation Services) Northwest is a collaborative, community-based center for the medical assessment and treatment of children exposed to sexual abuse, physical abuse, neglect, and/or domestic violence. The four health care systems participating in the center are Kaiser Permanente, Randall Children's Hospital at Legacy Emanuel, OHSU-Doernbecher Children's Hospital, and Providence Children's Health.

SERVICE AREA: CARES Northwest provides services to children and families living in Multnomah and Washington Counties or to other families, if an alleged crime occurred in these counties. Cases not meeting these criteria are reviewed by staff and a decision is then made to see the child[ren] on a case-by-case basis.

AGE OF CHILDREN EVALUATED: CARES Northwest provides medical evaluations to children from birth through 17 years of age. Adults age 18 and older are seen if they are still enrolled in high school, have special needs such as developmental delay, language, or hearing problems, or need the specialized setting provided at CARES Northwest. Determination to see patients age 18 and older is made on a case-by-case basis by staff.

SERVICES PROVIDED: The staff of CARES Northwest provides neutral medical evaluations and forensic interviews for suspected victims of child abuse for the purpose of medical diagnosis and treatment. The comprehensive evaluation includes gathering a detailed medical and social history, assessing the child's exposure to a variety of risk factors, a medical exam, and a forensic interview. CARES Northwest offers appointments for emergency and/or urgent evaluations, which typically involve cases of acute sexual assault, physical assault, or urgent child safety issues.

SCHEDULING APPOINTMENTS: For questions regarding the appropriateness of a referral, contact the CARES Northwest Intake Department Monday through Friday between 8:00 am and 5:00 pm. The Intake Department will consult with the caller and help determine what services or follow-up would be most appropriate for a child. Faxed or email referrals should be followed up with a phone call.

Child Abuse Medical Evaluations

- Monday – Friday, 8:00 am-5:00 pm: Call Intake Department at 503-276-9020.
- Fax: 503-276-9005

Urgent Child Abuse Medical Evaluations

- Monday–Friday, 8:00 am-5:00 pm: Contact law enforcement and CARES Northwest Intake Department.
- Weekends, holidays, and nights after 5:00 pm: Randall Children's Hospital Emergency Department will provide emergency child rape exams. Call 503-276-9191.
- For CARES Northwest consultation, available 24 hours daily, call the Legacy Emanuel Medical Center Operator at 503-413-2200 and ask for the on-call CARES Northwest medical provider.

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Providence Children's Health
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Section: Intake
Origination Date: 01-02-01
Last Revision Date: 09-15-20

SUBJECT: Referral Guidelines – Sexual Abuse

CARES Northwest has established the following referral guidelines for cases where there is a concern of sexual abuse.

Children may be evaluated at CARES Northwest if they meet any of the following criteria:

1. A child ***with a physical injury*** suggestive of sexual abuse (e.g., vaginal or anal bleeding, tearing, bruising, abrasion, or abnormal findings on the anogenital exam).

2. A child ***making statements describing sexual contact*** by someone three or more years older than the child. The statements may be of current or past activity.

3. A child ***making statements describing sexual contact*** by someone, which reflects forceful/power differential or is coercive regardless of age difference.

4. A child ***who is not making disclosures of sexual abuse***, but:
   - An observer has witnessed abuse of the child
   - An alleged perpetrator has confessed to abusing the child
   - The child has been in an environment which is a very high risk (e.g. living with a convicted sexual offender)
   - The child's sexual behavior or knowledge is far beyond typical for his/her developmental level
   - The child tests positive for sexually transmitted infection
   - Other evidence of abuse of the child is available (e.g. pornography, internet solicitation, etc.)
   - Sibling of a child who has been sexually abused and who is exposed to the alleged offender

Children should be evaluated on an urgent basis if:

- Sexual contact has occurred within:
  - 72 hours (3 days) for children under age 12
  - 120 hours (5 days) for children age 12 and older
- There is disclosure of recent abuse
- The child has anogenital complaints (e.g. injury, pain, bleeding, discharge, or current symptoms indicating a possible sexually transmitted infection)
- There are any signs of physical trauma

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Section: Intake
Origination Date: 01-02-01
Last Revision Date: 09-15-20

SUBJECT: Referral Guidelines – Physical Abuse

CARES Northwest is available to offer phone consultation triage weekdays 8:00 AM – 5:00 PM at 503-276-9000, or after hours and weekends at 503-413-2200 by requesting the on-call CARES Northwest staff.

CARES Northwest has established the following referral guidelines for cases where there is a concern of physical abuse.

Children may be evaluated at CARES Northwest if they meet any of the following criteria:

1. A child ***with a physical injury*** where there is concern that the injury was caused by other than accidental means. Injuries would include bruises, burns, scarring, welts, lacerations and fractures.

2. A child who is ***reported to have been physically abused in a manner that could be expected to cause an injury that might not be visible.*** For example, an infant who has been shaken but has no external evidence of abuse, or a toddler who has been kicked in the abdomen and has no external evidence of abuse.

3. A child ***making clear disclosures of current or past physical abuse,*** even with no obvious old or new injuries.

4. A child whose ***sibling suffered serious injury,*** when there is concern that other children in the family may have been physically abused. In particular, a child too young to disclose abuse should be referred.

Additional Considerations

Physical abuse ***cases involving acute injuries should be seen for a complete physical examination by CARES Northwest or by a qualified medical provider as soon as possible.*** In addition to clear, detailed photographs and documentation being taken immediately by a representative from law enforcement or child protective services, the child needs to be referred to a health care provider for evaluation within 48 hours. Assessing for additional injuries, fractures, or mimics of physical injury should only be accomplished by a health care provider.

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Section: Intake
Origination Date: 04-07-05
Last Revision Date: 09-15-20

SUBJECT: Referral Guidelines - Neglect

CARES Northwest is available to offer phone consultation triage weekdays 8:00 AM – 5:00 PM at 503-276-9000, or after hours and weekends at 503-413-2200 by requesting the on-call CARES Northwest staff member.

CARES Northwest has established the following referral guidelines for cases where there is a concern of neglect.

Definitions of neglect:
Negligent treatment or maltreatment of a child, including but not limited to, the failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the health or welfare of the child.
OR Rev. Stat. §419B.005

Behavior by a caregiver that constitutes a failure to act in ways that are presumed by the culture of a society to be necessary to meet the developmental needs of a child and which are the responsibility of a caregiver to provide.
Straus, 2005

CARES Northwest recognizes children can be neglected in the following ways:

Physical Neglect	• Nutrition • Clothing • Shelter (structural hazards, house-keeping/sanitation, environmental hazards)	• Sleep environment • Personal hygiene • In utero/breast-feeding exposure to drugs • Direct and indirect exposure to drugs • Abandonment, expulsion, shuttling
Healthcare Neglect	• Medical • Dental • Mental health • Occupational therapy/physical therapy/speech therapy	
Supervisional Neglect	• Permitting or not keeping child from risky behavior (considering age, developmental level and special needs of a child) • Lack of appropriate supervision or child placed in care of inappropriate caregivers • Chronic exposure to criminal activity	
Educational/ Developmental Neglect	• Not enrolled in school or permitted truancy • Interventions not followed or inattention to special education needs	
Emotional Neglect	• Included in Emotional Abuse	

SUBJECT: Referral Guidelines - Neglect

Children may be evaluated at CARES Northwest if a child was harmed or put at risk of harm by:

- Multiple episodes of failure to provide basic, age-appropriate needs such as shelter, food, sanitation, safety and supervision, medical care, and/or education
- An isolated neglectful episode where a parent or caretaker demonstrated a single act of obviously neglectful behavior or poor judgment

Information requested by CARES Northwest before an evaluation:

- Documentation of the acts of neglectful behavior (DHS reports, police reports, photographs, mental health records, school reports, school attendance records)
- Medical or dental reports or documentation of a lack of such care (primary care records, emergency department reports, specialist reports)
- Child assessments (psychological evaluations, developmental assessments, mental health assessments)

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Section: Intake
Origination Date: 11-26-07
Last Revision Date: 09-15-20

SUBJECT: Referral Guidelines – Emotional Abuse/Psychological Maltreatment

CARES Northwest is available to offer phone consultation triage weekdays 8:00 AM – 5:00 PM at 503-276-9020, or after hours and weekends at 503-413-2200 by requesting the on-call CARES Northwest staff member.

CARES Northwest has established the following referral guidelines for cases where there is a concern of emotional abuse/psychological maltreatment.

Definition

Exposure to emotional abuse/psychological maltreatment is considered when acts of omission or commission inflict harm on the child's well-being, which may then be manifested as emotional distress or maladaptive behavior in the child.

--American Academy of Pediatrics. Clinical Report Psychological Maltreatment, 2012

CARES Northwest recognizes children can experience emotional abuse/psychological maltreatment in the following ways:

- **Spurning** – belittling, degrading, shaming or ridiculing a child; singling out a child to criticize or punish; humiliating a child in public
- **Terrorizing** – committing life-threatening acts; making a child feel unsafe; threatening or perpetrating violence against child's loved ones or objects
- **Exploiting or Corrupting** – encouraging child to develop inappropriate behaviors; abandonment of developmentally appropriate autonomy; restricting cognitive development
- **Denying Emotional Responsiveness (Ignoring)** – ignoring or failing to express affection
- **Rejecting** – avoiding or pushing away
- **Isolating** – confining; unreasonable limitation on freedom of movement and social interaction
- **Unreliable or Inconsistent Parenting** – contradictory and ambivalent demands
- **Witnessing Family Violence** – domestic violence; a death or serious assault occurs in the home; lethal weapons are used to threaten or intimate family members (see additional guidelines on Domestic Violence)
- **Mental health/medical/educational neglect—**limiting access to necessary health care because of reasons other than inadequate resources; refusing to provide for serious emotional/behavioral, physical health, or educational needs.

Children may be evaluated at CARES Northwest if a child is believed to have been harmed or put at risk of harm by:

- A ***pattern*** of any of the above behaviors which is suspected to have caused impairment of a child's emotional development or sense of self-worth
- An ***isolated emotionally abusive episode*** where a parent or caretaker demonstrated a single act of obviously emotionally abusive behavior or poor judgment
- ***Multiple acts*** of emotionally abusive behavior by a parent or caretaker, and the acts may be the result of factors beyond the parent's or caretaker's control (mental illness, extreme poverty, mental retardation, debilitating physical illness)

Information requested by CARES Northwest before an evaluation:

- Documentation of the acts of emotionally abusive behavior (DHS reports, police reports, mental health records, school reports, medical reports)
- Child assessments (psychological evaluations, developmental assessments, mental health assessments)

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Section: Intake
Origination Date: 01-02-01
Last Revision Date: 09-15-20

SUBJECT: Referral Guidelines – Domestic Violence

CARES Northwest is available to offer phone consultation triage weekdays 8:00 AM – 5:00 PM at 503-276-9000, or after hours and weekends at 503-413-2200 by requesting the on-call CARES Northwest staff.

CARES Northwest has established the following referral guidelines for cases where there is a concern of domestic violence.

Children may be evaluated at CARES Northwest if they meet any of the following criteria:

1. A child ***with an acute physical injury*** incurred accidentally or intentionally during domestic violence to which s/he was exposed.

2. A child **making specific and clear statements about past injuries** to him/her (either accidental or intentional) during domestic violence.

3. A child ***making statements that s/he has been physically or sexually abused*** in a setting where domestic violence has also occurred.

4. Children living in domestic violence households ***who are exhibiting disturbed behavior or affect*** that may be related to their exposure to domestic violence**.** These children might be seen even though they are making no specific statements about being directly abused if DHS, LEA, a health care provider, or mental health provider feel the evaluation process would be beneficial to establish a treatment and/or protection plan for the child. These cases would be triaged with CARES Northwest Intake staff.

5. Children from domestic violence households wherein ***the threat of harm was extremely high.*** Examples include:
   - Children whose parent or sibling was murdered as a result of domestic violence or who witnessed attempted murder such as choking or other serious assault.
   - Children who resided in a home with lethal weapons that were used to threaten or intimidate family members.
   - As in #4, these children might be seen at CARES Northwest even when they are making no statements about being abused themselves if DHS, LEA, a health care provider, or a mental health provider feel the evaluation process would be beneficial to establish a treatment and/or safety plan for the child. These cases would be triaged with CARES Northwest Intake staff.

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Section: Evaluation
Origination Date: 10-27-08
Last Revision Date: 08-04-2020

SUBJECT: Guidelines re Professionals or Trainees Observing Evaluations at CARES Northwest

- Patient and family confidentiality is the most important factor. For each training day, all observers will review, sign and date the form "CONFIDENTIALITY AGREEMENT for CARES Northwest Volunteers, Students, Trainees, Observers and Visitors."
- Family always has the right to decline.
- Re trainees: Observation should serve a career-related purpose/relevance.
- For Regional Service Provider trainees, notify regional coordinator in advance.
- Unless observer has been preapproved, approval must be obtained from the CARES Northwest evaluation team or their supervisor(s).
- If staff members have questions, they should consult with a supervisor or the Program Manager for a final decision.

	Yes	No	Case by Case
Medical	• MD or DO • NP, PA • RN or SANE • Medical, NP or PA student	Undergraduate student	
Interviewer	• New interviewer in training • Social work/psychology/counseling graduate-level student or intern	Undergraduate student	
LEA/Attorney	• LEA assigned to case • FBI Victim Specialist • LEA in training for child abuse cases	Attorney	
DHS	• CPS or caseworker assigned to family or developmentally delayed adult • Case aides • DHS staff/intern in training for child abuse cases • DHS worker for out-of-home placement investigation	DHS staff not directly involved with child abuse cases	

SUBJECT: Guidelines re Professionals or Trainees Observing Evaluations at CARES Northwest

	Yes	No	Case by Case
Other	• Center Directors • Community decision makers, including Governing Board members, health system administrators, legislators, key funders, persons who impact policy and/or key resources for child abuse response system (considered on case-by-case basis)	• CASA • Victim's Advocate • Child's mental health provider	• CARES Northwest volunteer pursuing a career in medicine (arranged by volunteer coordinator in consultation with evaluation team or supervisor(s) • Undergraduate student exploring a medical or child abuse career (in consultation with evaluation team or supervisors(s))

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Section: Evaluation
Origination Date: 08-14-09
Last Revision Date: 11-25-19

SUBJECT: Questions Proposed by Law Enforcement or Child Welfare Personnel During the Evaluation

1. During the CARES Northwest evaluation, attending law enforcement (LEA) or child welfare personnel may ask questions or request clarifications from the team (medical provider and interviewer) during the patient's medical exam or interview.

2. In the course of an evaluation, LEA or child welfare personnel may propose questions for the team to ask the patient. The team will only ask the patient questions that they (the team) determine to be medically appropriate.

3. If either member of the team determines that a proposed question is not medically appropriate, neither member of the team will ask the proposed question.

4. Any issues raised by asking or not asking proposed questions may be discussed with LEA or child welfare personnel after the evaluation. It is recommended that this discussion occur before the debriefing with the parent/guardian.

Section: Evaluation
Origination Date: 01-02-01
Last Revision Date: 09-28-20

SUBJECT: Guidelines for Interviewing Suspected Child Abuse Victims

CARES Northwest's goal is to provide an age-appropriate, child-centered, neutral evaluation. This evaluation is based on the individual child depending upon age, development, affect and demeanor. The evaluation should consider the culture and language of the child and family at the time of the assessment. Good clinical practice, the *Oregon Interviewing Guidelines* and current medical practice will dictate the specific steps taken during each interview and examination.

<u>If the physical examination takes place first</u>

The medical provider may explore concerns with the child by asking nonleading questions such as, "Why did you come to see me today?" If the child refuses to talk, at any stage, the medical provider should not push the child and should proceed with the examination.

If the child discloses sexual abuse, the medical provider should try to find out from the child who touched them and where. The medical provider can have the child point to the exact place(s) that was touched or hurt. Important details, such as "inside" and "outside," can be clarified by the medical provider touching areas on the child with a Q-tip or by pointing with a gloved finger. The medical provider may want to ask what the child was touched with, and how it felt.

If the remainder of the interview is to be conducted by the interviewer, the child should be advised that after the examination, the second part of the checkup will take place, in which the child will be talking to the interviewer. The interviewer will clarify more about the concerns, statements made during the exam and other safety topics.

<u>If the interview takes place first</u>

The interviewer should introduce the topic of concern in a nonleading manner and conduct the interview in accordance with the *Oregon Interviewing Guidelines*.

<u>Video interview of child alone</u>

When possible the goal is to interview the child alone. The transition should be part of the video record. In circumstances in which the child requests the medical provider's presence in the room, the medical provider may remain in the room to observe the interview. The medical provider may choose to ask a follow-up question at the end of the interview.

In general, the child should not be interviewed in the presence of a parent, relative, guardian, or caregiver. If the child is uncomfortable with protective services or law enforcement representatives behind the mirror, those individuals may be asked to leave the observation room.

Recording and/or documentation of the interview

The interview is video recorded and stored the Meta*Interview*™ module of Microception, Inc.'s Meta™ platform owned by CARES Northwest. Data is stored on servers located at Legacy Health System (storage is not web- or cloud-based). Meta*Interview*™ is utilized for both in-person and tele-forensic interviews.

Notes and summaries relating to the interview are part of the complete evaluation report, which is reviewed and approved by the forensic interviewer and medical provider (if the provider participated in the evaluation). The report is stored in the child's chart in the electronic medical record.

Assignment of complex or sensitive cases

CARES Northwest interviewers receive extensive initial and ongoing training in order to prepare them to meet the needs of any child or teen and any presenting concern(s) of abuse. At times there may be sensitive or complex cases for which the needs may be best met by assigning a specific interviewer with a particular skill set, extensive training and/or experience. The following is a list (not exhaustive) of potential factors that may be considered when determining the need for case assignment to a specific interviewer.

1. Commercially Sexually Exploited Child (CSEC)
2. Need for presenting external evidence during interview
3. Child/teen with developmental disabilities
4. Child/teen with severe mental health issues
5. Problematic Sexual Behavior
6. High profile or otherwise sensitive case
7. Spanish-speaking child/teen or family (Whenever possible, Spanish-speaking children/teens or families will be assigned to a Spanish-speaking interviewer. Spanish-speaking children younger than age 8 are best served by a Spanish-speaking interviewer.)

Procedure:

1. CARES Northwest Intake staff will consult with their supervisor to determine if case assignment to a specific interviewer is warranted.
2. If warranted, the request will be forwarded to the Interviewer Supervisor for review and selection of appropriate interviewer.
3. The Interviewer Supervisor may request additional documentation, (i.e. mental health records) in order to select appropriate interviewer and plan for any additional case preparation.

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Section: Evaluation
Origination Date: 05-31-20

SUBJECT: Age Criteria for Forensic Interviews

Members of the Multi-disciplinary Team should refer any child to CARES Northwest for evaluation of a concern of child abuse or neglect. Best practice outlined in the *Oregon Interviewing Guidelines* establishes that forensic interviews should be conducted in the child-friendly environment of a child advocacy center (CAC) such as CARES Northwest.

A CARES Northwest evaluation includes a forensic interview as appropriate, dependent upon a child's age and level of development, as well as other case- specific factors. Typically a child age 4 or older is considered to be potentially developmentally able to participate in a formal structured interview process. Recognizing that there are many factors involved in the process of referral to a CAC, the following grid provides a guideline to determine when referral to CARES Northwest is recommended and those cases for which a referral to CARES Northwest for forensic interview is required.

	Age of Child		
Concern	0-4 Years	5-14 Years	15-17 Years
Sexual Abuse	Refer to CARES NW	**Forensic Interview Required**	Refer to CARES NW
Physical Abuse (Karly's Law)	Refer to CARES NW	**Forensic Interview Required**	**Forensic Interview Required**
Physical Abuse (not Karly's Law)	Refer to CARES NW	Refer to CARES NW	Refer to CARES NW
Neglect	Refer to CARES NW	Refer to CARES NW	Refer to CARES NW
Witness to homicide, domestic violence, or other violent crime	Refer to CARES NW	Refer to CARES NW	Refer to CARES NW
Commercial Sexual Exploitation of Child	Refer to CARES NW	Refer to CARES NW	Refer to CARES NW

For any questions regarding the referral process, the MDT member should contact CARES Northwest Intake at 503-276-9020.

Section: Evaluation
Origination Date: 05-31-20

SUBJECT: Guidelines for Introduction of Evidence in the Forensic Interview

External evidence of abuse or neglect may be presented to a youth during an interview, as appropriate and necessary. Generally, during the interview, attempts should first be made to elicit a narrative without introducing evidence. If those attempts are not successful, the interviewer may choose to proceed using physical evidence to assist in eliciting disclosure. At times, community partners may request the introduction of evidence, even when a youth is making a disclosure, for investigative purposes.

The youth's best interest should always be the primary consideration in making decisions regarding presenting evidence.

Consideration must be given to photographs or recordings of a youth engaged in sexually abusive activity. In accordance with state and federal laws governing the possession and handling of child sexually abusive material, such material should be handled by law enforcement. Law enforcement officers may provide this material for use in an interview if they ensure that the material does not leave the interview location. All such material should be returned to law enforcement immediately following the interview.

Physical or digital evidence may not be altered. If it is not possible to mask the original without altering the image, a copy may be made for this purpose. Contact the law enforcement digital evidence expert. Copies of child sexually abusive material for this purpose may only be made by a certified computer forensic examiner.

External evidence may include, but are not limited to:

1. Photographs or video recordings:
    a. Showing condition of the home (neglect cases)
    b. Showing injuries (physical abuse cases)
    c. Showing nudity or explicit content (sexual abuse cases)
2. Texts, social media posts, e-mails, chat logs, other messaging
3. Journals, notebooks, letters
4. Suspect confessions
5. Collateral reports

In keeping with the National Children's Advocacy Center Position Paper on the Introduction of Evidence in Forensic Interviews with Children (September 2013), careful consideration should be given to:

1. The purpose of the introduced evidence.
2. The expected outcome.

3. The potential negative impact on the youth.
4. The potential negative impact on the interview if the youth denies involvement.

It is never the purpose of the interview to get information at the expense of the youth's emotional and psychological well-being.

Additional factors to consider regarding the interviewer: the experience level of the interviewer, need for consultation, interviewer comfort, potential secondary traumatic stress for the interviewer.

Before the Interview:

1. The decision to use evidence should be made on a case-by-case basis.
2. Know what evidence there is before scheduling the interview. Preview evidence before interview and decide with law enforcement what will be presented. Not all evidence may need to, or should, be presented. Consider the following issues:
    a. Charging needs
    b. Identification of the youth, perpetrator(s), witness(es)
    c. Corroborative purposes
3. If there are videos, capture and print still frames ~~captured~~. It is not recommended to show videos to youth, as videos are more difficult to control.
4. Consider using the least graphic images available. Decide whether or not to cover any parts of photographs or still frames.
5. Consider the need to tell parents/guardians that images may be presented i in the interview.

During the Interview:

1. Identify early in the interview that evidence may be presented.. During rapport building, consider saying: "I have some pictures I may want to show you and talk about today, but first I'd like to hear more about you and get to know you." This approach allows the interviewer the option of showing or not showing the evidence, based on how the interview proceeds.
2. Being up front early in the interview allows the interviewer to avoid confronting a youth with evidence if they deny abuse.
3. After rapport building, continue through the phases of the interview:
    a. Ground Rules/Instructions
    b. Practice Narrative
    c. Transition to Topic of Concern. This does not mean presenting evidence at this time. If in this phase the youth does not provide information that could lead to disclosure, then evidence may be introduced.
4. When introducing evidence, consider saying: "Remember I told you earlier about some pictures. I have them here and I'd like to understand what you know about them."
5. Describe the image to the youth before showing it. This helps prepare the youth for what they are going to see. For example: "This picture is of a girl about the age of 10 and she is in a room with pink walls, a poster of a unicorn is on the wall, she has a blue top on, has brown hair and she has no pants on…" Use lots of words to calmly describe the picture.

6. Instruct the youth to tell you when they are ready to see the picture. Invite any questions they may have about the picture.
7. Show the picture and give an open prompt, “Tell me about this picture.”
8. Follow up with questions for clarification and further detail. Avoid yes/no questions following standard interviewing guidelines.

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Section: Evaluation
Origination Date: 06-30-03
Last Revision Date: 11-22-19

SUBJECT: Interpreter Guidelines

CARES Northwest (CARES NW) is a clinic dedicated to providing the highest-quality child abuse evaluation services. Interpreters should be prepared to interpret intense, emotionally challenging material. Should an interpreter feel uncomfortable or unwilling to proceed, please notify Front Desk staff immediately.

Given the sensitive nature of the evaluations conducted at CARES NW, interpreters are requested to maintain the highest professional standards. This includes strict adherence to the Code of Ethics of the interpreting profession. In particular, CARES NW requests that interpreters:

1. Read and sign the Neutrality and Confidentiality Agreement upon signing in.
2. Interpret all material faithfully and accurately, without changing, adding or omitting anything. A carefully-timed, polite request for parties to talk more slowly, use shorter sentences, repeat what has been said, is appropriate, indeed recommended, should the need arise.
3. Refrain from side conversations with clients while assisting CARES NW staff.
4. Politely deflect any questions or concerns that the family might direct to the interpreter back to the evaluation team to be answered.
5. Inform the team if the interpreter has never worked at CARES NW before. If this is the case a member of the evaluation team, usually the interviewer, should orient the interpreter and ascertain if the interpreter is willing and able to proceed.
6. Maintain careful physical boundaries with the families and children seen at CARES NW.
7. Be qualified by the state of Oregon to interpret in a medical setting.

FORMS

1. The interpreter shall assist Front Desk staff with collecting client information, including: **legal** name and surname of child **(as it appears on birth certificate)**, current address, phone, parental information, etc.
2. The interpreter should let parents/guardians know they are available to assist in completion of the Child Medical and Family History form (available in English and Spanish). There are some sensitive questions on this form, so it is recommended it be completed while the children are otherwise engaged.

3. The Oregon Crime Victims' Compensation (CVC) form is in English and Spanish. Some parts of this form can be emotionally challenging for the parents/guardians to fill out, so we recommend they do so while the child is being seen by the team. The interpreter shall offer assistance. Parents/guardians should be informed that:

    a. The parent/guardian whose information is included on the CVC form **must** be the same parent/guardian who signs it.
    b. Only the highlighted areas need be completed.
    c. The CVC form must be signed and returned to the Front Desk staff before the family leaves the clinic.

PROCEDURE

The interpreter will interpret for the following: the family, CARES NW staff, law enforcement officers, child protective services workers, members of the Family Support Team and/or family navigator. The parents/guardians are usually seen first. The child then has an evaluation consisting of a physical examination and, for children who are able to participate, a video-recorded interview. A final debrief with the parents/guardians concludes the appointment.

Appointments at CARES NW can last up to four hours, and occasionally longer. Interpreters should be aware that their services are requested for at least four hours. Should this pose a conflict, the interpreter should let the Front Desk know immediately, so that necessary arrangements can be made.

INTERPRETER ETHICS AND RESPONSIBILITIES

(Adapted from the Code of Professional Responsibility for Interpreters in the Oregon Courts.)

1. **Accurate interpretation,** without embellishing, omitting or editing. This includes conserving the register, keeping the language level unaltered, so if the party is using slang, you should interpret it as such, if it is formal speech your interpreted version should reflect that.

2. An interpreter's emotions should also be kept in check; the only emotional reactions expressed should be those of the interpreted party.

3. Accurate representation of qualifications, education or certifications

4. **Conflicts of interest** can arise if the interpreter is related to or acquainted with the parties involved or has any interest in the outcome of a case. The interpreter should inform the team if they feel there is a perceived conflict of interest.

5. **Confidentiality** is always to be respected (see Neutrality and Confidentiality Agreement).

6. **Abstain from giving advice/voicing opinions.**

7. **Maintain professional relationships.** Communication is the primary objective of the interpretation process. This is most readily attained through detached, unobtrusive interpretations, avoiding displays of emotion, subjective involvement and social conversation.

Section: Therapy
Origination Date: 05-04-2020
Last Revision Date: 07-08-2020

SUBJECT: Therapeutic Interventions

Trauma Screening

All children evaluated at CARES Northwest should be screened for the need for mental health services and support. This should include the use of a trauma screening tool that examines a child's experiences of traumatic events as well as any symptoms.
Children who display these symptoms need a more formal trauma assessment conducted by a mental health professional that has been trained specifically in treating trauma.

All children seen at CARES Northwest that meet the basic criteria for Evidence-Based/Evidence- Informed Trauma Therapy Services are referred to the treatment team by way of an in-house screening tool. A member of the treatment team then reviews the child's evaluation and consults with the Family Support Team and/or Family Navigator to determine the next best step re treatment. As appropriate, the child is enrolled in treatment at CARES Northwest, or referred to more appropriate or accessible services within the community.

Trauma-Informed Mental Health Assessment

All children who screen positive for traumatic symptoms or who have experienced serious trauma should be assessed by a mental health provider who has been trained specifically in treating trauma to determine if they are in need of trauma-focused therapeutic services. The assessment protocol should use multiple informants, including the following elements:

- A clinical interview of the child
- A clinical interview of parents and other caregivers
- A complete developmental, medical and family history
- A comprehensive trauma history
- Use of standardized assessment measures to explore problematic behaviors and trauma symptoms

Children who display post-traumatic symptoms should be referred for trauma-specific treatments such as Trauma-Focused Cognitive Behavioral Therapy.

Evidence-Based/Evidence-Informed Therapy Services

Children of all ages can benefit from evidence-based or evidence-informed therapy. Therapy services should promote healing and not be forensic in nature.

Children should receive the most effective therapy available to treat their specific symptoms. The therapist should be specifically trained in evidence-based or evidence-informed treatment for child abuse victims. These evidence-based/supported treatments include:

- Trauma-Focused Cognitive Behavioral Therapy
- Alternatives for Families-A Cognitive Behavioral Therapy
- Child-Parent Psychotherapy
- Problematic Sexual Behavior – Cognitive Behavioral Therapy
- Child and Family Traumatic Stress Intervention
- Other evidence-informed therapy such as EMDR (Eye Movement Desensitization and Reprocessing), Integrative Treatment of Complex Trauma for Children/Adolescents and Attachment, Self-Regulation, and Competency (ARC).

Support from parents and/or caregivers is the most important predictor of a child's ability to make a successful recovery from trauma. All the above evidence-supported therapies include parents/caregivers in the therapeutic process.

Supporting the Child Victim Through the Legal Process

The support a child victim receives through the legal process can have a positive impact on the child's recovery. Victim's assistance is provided through the District Attorney's Office. In addition, the CARES Northwest Trauma-Focused Therapy Program will provide the following to enrolled children and families:

- Psychoeducation to children and caregivers
- Desensitization to the courtroom
- Relaxation and other techniques for reducing anxiety in the courtroom
- Information regarding the rules of the courtroom and roles of courtroom personnel

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Kaiser Permanente
OHSU Doernbecher Children's Hospital
Providence Children's Health
Randall Children's Hospital at Legacy Emanuel

Section: Medical Records
Origination Date: 07-21-08
Last Revision Date: 09-15-20

SUBJECT: Guidelines for Verbal Sharing of Patient Information

Purpose: **Health Insurance Portability and Accountability Act (HIPAA)-compliant verbal communication of patient information with MDT partners**

1. CARES Northwest staff can verbally share patient information with law enforcement agencies and protective services agencies, including the Oregon Department of Human Services (DHS), during any part of a child abuse investigation. This investigative phase continues until the trial is complete.

2. CARES Northwest staff who attend multidisciplinary team (MDT) meetings can verbally share patient information during MDT meetings.

3. CARES Northwest staff can verbally share patient information with the district attorney (DA) during meetings in which the DA reports that they are acting as a member of the MDT. This would include hospital suspected child abuse and neglect (SCAN) meetings where LEA, DHS, DA and clinical staff meet to review recent child abuse cases.

4. CARES Northwest staff can verbally share patient information with the DA on a specific case if the case has not been indicted and the DA is acting as a member of the MDT. Once the case has been indicted, a **HIPAA-**compliant release of information (ROI) is required. For example, to talk with a DA about a specific case for which a staff member has been subpoenaed, the staff member would need a HIPAA-compliant ROI.

5. CARES Northwest staff who receive requests for information that do not fit the criteria listed above should consult with Medical Records, their supervisor or program manager.

6. Consult the Oregon Revised Statutes for the current laws regarding confidentiality of information and records.

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OHSU Doernbecher Children's Hospital
Providence Children's Health
Randall Children's Hospital at Legacy Emanuel

Section: Medical Records
Origination Date: 01-02-2001
Last Revision Date: 06-22-2020

SUBJECT: Confidentiality of CARES Northwest Records

According to legal counsel, CARES Northwest records are protected under the confidentiality provisions of the child abuse reporting statute, ORS 419B.035, which provides that records related to an evaluation of potential child abuse shall be kept confidential. Therefore, consider the following additional legal guidelines when addressing issues of confidentiality of CARES Northwest records.

- Patients and guardians have a right to the information contained in the medical records.
- A physician is not obligated to release or reveal office records to a patient, or to a minor patient's parents or guardian, if there is a therapeutic reason for denying access to the information. A clinical judgment determines what information to reveal.
- Evaluation teams will use clinical judgment to determine the amount of information to document in CARES Northwest reports. The decision should include weighing the risk for preventing or inducing further child abuse.
- Evaluations are completed after permission is obtained from the parent or guardian. This permission includes explicit limitation on the dissemination of information to the parent or guardian.
- CARES Northwest reports are released to the ongoing pediatrician who can review that information with the parent or guardian. This is done to ensure that evaluation results are disclosed in the context of overall patient care.
- In Oregon at age 14, the child has the right to consent to treatment of mental or emotional disorder or chemical dependency without parental consent [ORS 109.675]. Further, children age 15 or older can give consent for medical (including STI and HIV treatment) or dental treatment [ORS 109.610 and 109.640].
- The physician may disclose to the parent or guardian the occurrence of a child abuse evaluation, but the physician is not required to reveal such information. Parents cannot be financially responsible if they are not notified of the treatment.
- For older children, the amount of disclosure to the parent or guardian should be based on the child's knowledge and permission. Although the physician may disclose to the parent or guardian without incurring liability [ORS 109.680], there may be sound medical and psychological reasons not to, depending on the child and/or the possibility of further abuse.

SUBJECT: Confidentiality of CARES Northwest Records

As much as is legally and reasonably possible, CARES Northwest should strive to maintain the child's/patient's right to privacy and confidentiality. CARES Northwest must also adhere to the reporting guidelines set forth in ORS 419B.010, the Child Abuse Reporting Statute.

The following general guidelines should be followed, recognizing that no single set of protocols may meet the requirements of an individual case. Furthermore, it is understood that each jurisdiction will have unique needs regarding interpretations of confidentiality requirements.

1. When CARES Northwest receives a subpoena on a case involved in either a juvenile or criminal court procedure, a copy of each item requested in the subpoena should be sent to either the assigned judge or the clerk of the appropriate court. The pages should be numbered and certified by the Medical Records Custodian. The material should be mailed in a sealed envelope. The subpoena is attached to the outside of the envelope with a letter to the judge requesting an in-camera inspection of the material as well as consideration of the use of CARES Northwest's standard Stipulated Order to Produce and Protect. A letter is also sent to the attorney of record for the parents and/or defendant and to the deputy district attorney assigned to the case, notifying all parties that CARES Northwest's legally mandated response to the subpoena is being met by forwarding the material in the sealed envelope to the judge.

2. In civil cases, where no deputy district attorney is assigned and there may be no judge actively involved, the Standard Stipulated Order to Produce and Protect should be used. When a subpoena is received in such a case, a copy of the Protective Order shall be sent immediately to the requesting attorney explaining CARES Northwest's policies on release of information and requesting return of a signed Protective Order prior to release of information. When the signed Protective Order is received, the materials requested will be forwarded to the subpoenaing party.

3. Under ORS 107.154(3), a non-custodial parent has just as much right to receive the child's medical record as does the custodial parent. Therefore, a valid signed release of information by the non-custodial parent has the same legal effect as a similar document signed by the custodial parent. CARES Northwest's procedure, however, is that the evaluation report will be provided to the child's physician, rather than the parents. This procedure applies to both custodial and non-custodial parents. If a parent wishes further information about the report after an evaluation has been completed, the parent should be referred to the medical provider who evaluated the child. If the evaluation involved an interview only, the request should be referred to the interviewer. On some occasions the medical provider and/or interviewer may send the non-custodial parent a written summary of the information given to the custodial parent at the time of the evaluation. Often phone contact is sufficient, in which the medical provider/interviewer summarizes the information given to the custodial parent at the time of the evaluation. If the non-custodial parent requests a face-to-face appointment to review the results, an attempt to accommodate should be made.

4. If a non-custodial parent who is not the alleged offender requests written documentation of the evaluation to be provided to their representative, CARES Northwest will notify the custodial parent. If the custodial parent does not agree to CARES Northwest's release of the requested materials, they will have two weeks to obtain a court order to block the release.

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OHSU Doernbecher Children's Hospital
Providence Children's Health
Randall Children's Hospital at Legacy Emanuel

Section: Therapy
Origination Date: 05-21-2018
Last Revision Date: 06-08-2020

SUBJECT: Trauma-Focused Therapy Records: Attorney Request

Trauma-Focused Therapy records are not considered a part of the CARES Northwest assessment.

If an outside party is requesting treatment information, the following protocol will be followed

1. Obtain a Release of Information (ROI) from the child's legal guardian.
2. Offer a verbal discussion regarding the child's therapy with the legal party requesting records. This is the first and preferred method of dissemination.
3. If a verbal disclosure is not considered adequate, a written Treatment Summary may be created if the requestor allows for sufficient time for the CARES Northwest therapist to review the chart. This summary will be released after the attorney issues a subpoena and obtains a protective order signed by a judge that specifically requests **only** the Treatment Summary.
4. If the requesting attorney will not accept a verbal discussion or written treatment summary, they must obtain a subpoena and protective order, signed by a judge, requesting any/all applicable treatment records, to be reviewed by the presiding judge at an in-camera review hearing.

If the requesting attorney refuses to obtain the proper subpoena and protective order, CARES Northwest will notify outside counsel and identify the risk to the child regarding the release of the records.

Washington County
Drug Endangered Child (DEC)
Protocol

Sponsored
by
The Child Abuse MDT of
Washington County

Contents

Introduction and Purpose—p. 77

Participants—p. 77-78

Definition of Protocol Responses (Level I and Level II)—p. 78

Summary of Level I Response—p. 78-79

Summary of Level II Response—p. 79-80

Law Enforcement and Emergency Medical Services Protocol—p. 81-84
- Level I Response—p. 81-82
- Level II Response—p. 83-84

DHS Child Welfare Protocol—p. 85-88
- Administrative Response—p. 85-86
- Level I Response—p. 87
- Level II Response—p. 88

Randall Children's Hospital and CARES Northwest Protocol—p. 89-91
- Medical Assessment for Drug Endangered Children—p. 89-90
- Notification & Presentation of Drug Endangered Children to ED—p. 90
- ED Evaluation & Testing of Drug Endangered Children—p. 91
- CARES Northwest Assessment & Follow-up—p. 91

District Attorney's Office Protocol—p. 92

Community Corrections Protocol—p. 93

Juvenile Department Protocol—p. 93

Contact Information – p. 94

WASHINGTON COUNTY PROTOCOL
FOR DRUG-ENDANGERED CHILDREN (DEC)

Introduction and Purpose

Innocent children are sometimes found in environments where methamphetamine and other illegal substances are produced, sold, or used. Nationally, Drug Endangered Children (DEC) programs have been developed to coordinate the efforts of law enforcement, medical services, and child welfare workers to ensure that children who live in or frequent these sites receive appropriate attention and care.

This protocol has been prepared through a collaboration of allied agencies in Washington County to address a multidisciplinary approach that provides intervention and assistance to drug endangered children. An alarming number of children reside in homes where parents are involved in methamphetamine, opioids, and/or other drug use, as well as criminal behavior, leaving the children extremely vulnerable to abuse, neglect and endangerment.

This protocol provides for a coordinated interagency response to children who are exposed to the manufacture, sale, or use of illicit drugs

Participants

Although each of the participants has different functions within the community, it is agreed that a coordinated, interagency response best advances the goal of child protection. Representatives from the following agencies have participated in the development and/or implementation of this protocol in Washington County.

Law Enforcement Agencies:

- Washington County Sheriff's Office
- Beaverton Police Department
- Forest Grove Police Department
- Hillsboro Police Department
- King City Police Department
- North Plains Police Department
- Sherwood Police Department
- Tigard Police Department
- Tualatin Police Department
- Oregon State Police
- Cornelius Police Department

Fire and Emergency Medical Service Providers:

- Hillsboro Fire Department
- Tualatin Valley Fire & Rescue
- Washington County EMS

Department of Human Services, Washington County

Randall Children's Hospital at Legacy Emanuel

CARES Northwest

Washington County District Attorney's Office

Washington County Community Corrections

Washington County Juvenile Department

Washington County Child Abuse Multidisciplinary Team

Washington County Commission on Children and Families

Definition of Protocol Responses

Level I Response: Initiated when children are found at clandestine drug laboratories or other drug manufacturing operations. The highest priority of this response is to determine and address the acute health and safety concerns of children as a result of exposure to drugs, toxic chemicals, and physical or sexual abuse. Other major concerns include the future health and safety of the children and their follow up care, along with the investigation of drug and child abuse or endangerment charges involving the parent or caregiver.

Level II Response: Initiated when children are exposed to the sale, use, or possession of controlled substances or when they are found at butane honey oil or marijuana manufacturing sites. The same priorities and concerns exist in addressing the health and safety of children and determining the extent of drug exposure.

Summary of Level I Response

The following is an overview of key actions that are important to secure the health and safety of drug endangered children found at clandestine drug laboratories or other drug manufacturing operations. In many situations, response from both Law Enforcement and Department of Human Services (DHS) will be necessary. In all cases, the health and safety of the children involved will take priority over all other concerns. Law Enforcement officers, while being aware of this priority, will have the added responsibility of identifying and preserving evidence as they proceed. For more comprehensive descriptions of the protocols for each participant, refer to subsequent sections.

IMMEDIATE RESPONSE

Law Enforcement officers or DHS personnel who encounter **children with obvious injury or illness** will contact Fire/EMS for medical treatment and/or immediate gross decontamination prior to transport for hospital emergency care. (Currently, Randall Children's Hospital Emergency Dept. is preferred due to their expertise and willingness to participate in the DEC protocol.)

If not previously notified, Law Enforcement will contact DHS as soon as possible via the Child Abuse Hotline at **1-855-503-SAFE (7233)** to initiate DHS 307 forms and summon on-scene response of a DHS worker. Likewise, DHS will contact Law Enforcement immediately if they are not already on-scene.

If not previously notified, the Westside Interagency Narcotics (WIN) Team will be contacted directly or through Washington County dispatch (503) 629-0111. The Law Enforcement Case Agent will also consult a trained child abuse investigator at the onset of the criminal

investigation. The Case Agent will also contact the on call Deputy District Attorney from the Child Abuse Team.

If children exhibit no acute medical symptoms—the WIN Team or the Clandestine Lab Enforcement Team (CLET) will coordinate on scene decontamination based on the child's exposure to chemicals. Minimally, this requires washing of exposed areas of the skin with water and soap and changing the child into clean clothes. DHS will provide assistance and a change of clothing.

DHS will provide non-emergency transport to Randall Children's Hospital Emergency Dept. (ED) for medical evaluation and urine drug testing. Urine should be collected within **two to four** hours if possible and tested to the lowest limits of detection. DHS shall attempt to notify the ED of transport as soon as possible by calling (503) 276-9191.

Randall Children's Hospital ED will address urgent medical issues, provide screening exam and order appropriate lab tests. Referrals to DHS Child Abuse Hotline and CARES NW will be made if concerns exist regarding physical abuse, sexual abuse, or neglect. Lab results will also be referred to CARES NW for assessment and follow-up.

FOLLOW-UP
DHS, CARES NW, and the primary care physician will coordinate medical, developmental, and mental health follow-up care for drug endangered children. The District Attorney and the Law Enforcement Case Agent will follow-up with evaluation of criminal prosecution of drug and child endangerment charges.

In the event that a child is not present at the location but appears to have been living at the scene, the Law Enforcement Case Agent shall ensure that DHS is notified via the Child Abuse Hotline so they may provide a follow up assessment of the child.

Summary of Level II Response

The following is an overview of key actions that are important to secure the health and safety of drug endangered children who are exposed to the sale, use, or possession of controlled substances or are found at butane honey oil or marijuana manufacturing sites. In many situations, response from both Law Enforcement and DHS will be necessary. In all cases, the health and safety of the children involved will take priority over all other concerns. Law Enforcement officers, while being aware of this priority, will have the added responsibility of identifying and preserving evidence as they proceed. For more comprehensive descriptions of the protocols for each participant, refer to subsequent sections.

IMMEDIATE RESPONSE
Law Enforcement officers will evaluate the child's access to controlled substances, physical condition, and the level of care being provided. If child appears altered or exhibits illness or injury, law enforcement will call EMS. If living conditions reasonably appear to jeopardize child's welfare, DHS will be notified via the Child Abuse Hotline at **1-855-503-SAFE (7233)**.

If need exists to place children in protective custody, DHS will determine the need for an immediate medical screening examination (in the case of obvious injury or illness as per the Level I Response.)

If no urgent medical issues are apparent, DHS personnel shall ensure the child receives appropriate laboratory screening. If indicated, urine collection for methamphetamine or other

drug testing should occur within **two to four** hours if possible, and tested to the lowest limits of detection. DHS shall contact CARES NW on-call medical staff at (503) 276-9000 within 24 hours of removal for further medical triage decision-making.

Law Enforcement Case Agent shall conduct the criminal investigation and assemble the case materials for presentation to the District Attorney's Office.

FOLLOW-UP
DHS, CARES NW, and the primary care physician will coordinate medical, developmental, and mental health follow-up care for drug endangered children. The Deputy District Attorney and the Law Enforcement Case Agent will follow-up with evaluation of criminal prosecution of drug and child endangerment charges.

In the event that a child is not present at the location but appears to have been living at the scene, the Law Enforcement Case Agent shall ensure that DHS is notified via the Child Abuse Hotline so they may provide a follow-up assessment of the child.

LAW ENFORCEMENT & EMERGENCY SERVICES PROTOCOL

LAW ENFORCEMENT & EMERGENCY SERVICES LEVEL I RESPONSE:

Children Found at Clandestine Drug Laboratories or Other Drug Manufacturing Operations

Initial Law Enforcement Assessment:
Law Enforcement officers who respond to a location where clandestine drug manufacturing is suspected and children are present shall quickly assess whether **children have obvious injury or illness**.

- If indications of injury or illness exist, they will summon Fire/Emergency Medical Service (EMS) immediately for medical treatment and/or immediate gross decontamination prior to transport to an Emergency Department (ED) Currently, Randall Children's Hospital is the preferred Emergency Department.

- Immediate notification shall be made to the Westside Interagency Narcotics (WIN) Team, The WIN Team will determine whether activation of the Clandestine Drug Enforcement Team (CLET) is required. The lead investigating officer shall be referred to as the "Case Agent."

- Immediate notification shall be made to the Department of Human Services (DHS) via the Child Abuse Hotline at **1-855-503-SAFE (7233)**.

Decontamination Assessment with Acute Medical Concerns: If children are in acute medical distress, emergency decontamination shall be performed by the responding Fire/EMS personnel to the extent necessary for EMS transport, with due regard to the physical and emotional effects such decontamination will have on the children. It is preferred that children be transported to the Randall Children's Hospital Emergency Department for continued care. (Randall Children's Hospital ED also has decontamination facilities available.)

Decontamination Assessment with NO Acute Medical Concerns: If children are NOT in acute medical distress, WIN/CLET personnel may determine the type of decontamination necessary, taking into consideration the medical needs of the children, and with due regard to the physical and emotional effects such decontamination will have on the children.

Two options for decontamination will be considered, either "wet" or "dry." "Wet decontamination" consists of clothing removal and a thorough cleansing of the skin and hair with water and soap or some type of cleansing agent. Wet decontamination shall be performed when the child has been grossly contaminated by chemicals involved in the drug manufacturing process. "Dry decontamination" consists of washing exposed areas of the child's skin with water and soap and changing the child into clean clothes.

In the event wet decontamination is required, WIN/CLET personnel will make all available attempts to provide a private environment in which a DHS worker or other suitable adult is present to assist and comfort the child. Children will be decontaminated prior to being transported to the ED unless medical instability requires immediate transportation. Clean clothing will then be provided for the child by the DHS worker on-scene.

DHS will notify Randall Children's Hospital Emergency Department at (503) 276-9191, as soon as possible regarding the number of drug-endangered children to be transported to the ED for medical evaluation and testing. DHS will arrange for the collection of urine for drug testing within **two to four hours** if possible.

Criminal Investigation: The investigation of the child endangerment case shall be conducted or coordinated by the law enforcement agency with jurisdiction. In many situations, response from both Law Enforcement and DHS will be necessary. In all cases, the health and safety of the children involved will take priority over all other concerns. Law Enforcement officers, while being aware of this priority, will have the added responsibility of identifying and preserving evidence as they proceed. The Case Agent shall consult a trained child abuse investigator to ensure thorough documentation is made, including photographs of the child's access and exposure to the chemicals and other hazards associated with clandestine drug manufacturing. The Case Agent shall secure the child's clothing. Care shall be taken to be responsive to potential emotional trauma to the child. The Case Agent will make a determination whether the child will be interviewed by referring to their applicable department policy and the totality of the circumstances. DHS will be included whenever possible in the child interview process. The Case Agent shall also include with the case materials, the identity of the contaminated waste removal contractor, together with a copy of the contractor's manifest.

Suspected Sexual and/or Physical Abuse: In all cases in which sexual or physical abuse of a child is suspected, the Case Agent shall immediately notify the Child Abuse Hotline at **1-855-503-SAFE (7233)** and document the notification. The Child Abuse Hotline shall cross-report this information to the appropriate Law Enforcement Agency (LEA). The Case Agent shall notify a child abuse detective sergeant or on-duty patrol sergeant of the law enforcement agency that has jurisdiction. If it is decided that the Case Agent will complete the investigation, the investigating officer must have the experience and knowledge to complete a thorough child sex abuse investigation. Cases will be evaluated and managed on an individual basis. Please refer to the Child Abuse MDT Protocol for further information

Assembly of Criminal Case Materials: The Case Agent shall be responsible for assembling the investigative materials for presentation to the District Attorney's Office for prosecution of the child endangerment charges along with the underlying drug charges. These materials may include EMS reports, WIN/CLET reports, interviews, and, to the extent allowed by law, the DHS assessment and medical evaluation and urinalysis and other testing reports.

If not previously provided, the Case Agent shall forward a copy of his/her investigative reports to DHS when the reports are submitted to the District Attorney's Office for prosecution.

Advanced DHS Notification: Whenever police have advance notice that children may be present at a location where clandestine drug manufacturing is suspected and the police intend to execute a search warrant or conduct a knock-and-talk investigation, they shall contact the Child Abuse Hotline at **1-855-503-SAFE (7233)** to ensure that a DHS caseworker is available to assist the children, if necessary. An exact address is not required, but a general location and/or zip code should be provided. DHS shall provide to Law Enforcement, information from their database regarding prior child abuse or neglect referrals, vital records, and other government database information concerning the targets of the investigation when such information is to be used in furtherance of a joint Law Enforcement/DHS child endangerment investigation. This includes investigations into drug-related activities, which may pose dangers to children. If known, Law Enforcement will provide information regarding the ages and approximate clothing sizes of any children involved, to allow DHS to prepare for possible decontamination needs.

Child Placement: Temporary placement of a child is the responsibility of DHS-CW personnel. Law enforcement officers at the scene may assist DHS-CW in their evaluation of the best temporary placement by utilizing all available databases and other reasonable inquiries. If children are taken into protective custody, the Case Agent shall complete a custody report and fax the custody report to DHS by 9:00 a.m. the following day.

Follow up: In the event that a child is not present at the location but appears to have been living at the scene, the Police Case Agent shall ensure that DHS is notified via the Child Abuse Hotline so they may provide a follow-up assessment of the child.

LAW ENFORCEMENT & EMERGENCY SERVICES LEVEL II RESPONSE:

Children Exposed to the Sale, Use or Possession of Controlled Substances or Butane Honey Oil or Marijuana Manufacturing Sites.

Initial Law Enforcement Assessment: Officers who encounter children during the investigation of the sale, use, and/or possession of controlled substances or at marijuana manufacturing sites shall evaluate the children's access to the controlled substances, the physical condition of the children, and the level of care being provided to the children. If child appears altered or exhibits illness or injury, law enforcement will call EMS. If reasonable suspicion exists, DHS shall be notified through the Child Abuse Hotline at **1-855-503-SAFE (7233).**

A child may be taken into **protective custody** when the child's living conditions or surroundings reasonably appear to jeopardize the child's welfare (ORS 419B.150). If a child is taken into protective custody, the police Case Agent will complete a custody report and provide to DHS-CW and Juvenile Court by 9:00 am the following business day.

If need exists to place children in protective custody, DHS will determine the need for an immediate medical screening examination (in the case of obvious injury or illness as per the Level I Response.) If no urgent medical issues are apparent, DHS personnel shall ensure the child receives appropriate laboratory screening. If indicated, urine collection for methamphetamine or other drug testing should occur within **two to four** hours if possible, and tested to the limits of detection. DHS shall contact CARES NW on-call medical staff at (503)276-9000 within 24 hours of removal for further medical triage decision-making.

Criminal Investigation: In many situations, response from both Law Enforcement and DHS-CW will be necessary. In all cases, the health and safety of the children involved will take priority over all other concerns. Law Enforcement officers, while being aware of this priority, will have the added responsibility of identifying and preserving evidence as they proceed.

- Case Agent shall document and photograph the scene. This should include:
    - the identity of the children found in or associated with the residence and their relationship to the responsible party;
    - the circumstances in which the children were found;
    - the physical condition and overall appearance of the children
    - the availability of essential food;
    - the sleeping arrangements of the children;
    - and the condition of the adults in whose care they were found.

- Photographs should capture all potential hazards to the children and document living conditions indicative of neglect or endangerment, including, but not limited to: drugs and drug paraphernalia (e.g., razor blades, syringes, pipes); booby traps (e.g., trip wires for explosives, pongee sticks, and chemical devices); exposed wiring; refrigerator (absence or presence of food and the age dates on food containers, chemicals stored adjacent to consumables); sleeping areas (dirty sheets/blankets, no bed linens, stained/soiled mattresses); bathroom facilities (inoperable toilet, filthy sink/bathtub, access to medicines, etc.); guns (note if loaded), knives and other weapons; pornographic materials (e.g., photographs, videos or sex toys); vicious animals;

accessibility of children to any other hazards (measure relationship of child's height to location of drugs, drug paraphernalia, chemicals, weapons, raw sewage, feces, broken windows and other unsafe conditions).

- Children are exposed to drugs through direct ingestion or environmental exposure. As such, the Case Agent shall seize evidence including but not limited to drug paraphernalia, carpet samples, swabs of areas for potential drug exposure (i.e. curtains, sheets, pillows or the curtains/sheets/pillows themselves), vacuum bags, children's toys and other possessions for testing by the crime lab

Suspected Sexual and/or Physical Abuse: In all cases in which sexual or physical abuse of a child is suspected, the Case Agent shall immediately notify the Child Abuse Hotline at **1-855-503-SAFE (7233)** and document the notification. The Child Abuse Hotline shall cross-report this information to the appropriate Law Enforcement Agency (LEA). The Case Agent shall notify a child abuse detective sergeant or on-duty patrol sergeant of the law enforcement agency that has jurisdiction. If it is decided that the Case Agent will complete the investigation, the investigating officer must have the experience and knowledge to complete a thorough child sex abuse investigation. Cases will be evaluated and managed on an individual basis. Please refer to the Child Abuse MDT protocol for additional information.

Assembly of Criminal Case Materials: The Law Enforcement Case Agent shall ensure that reports and photographs of drug-related child endangerment or neglect investigations are prepared and distributed as soon as practicable, and shall distribute a copy of the investigative reports to DHS-CW when they are submitted to the District Attorney's Office for prosecution.

Advanced DHS Notification: Whenever Law Enforcement Officers have advance notice that children may be present at a location which is the target of an investigation into the sale or possession of controlled substances, they shall contact the Child Abuse Hotline at **1-855-503-SAFE (7233)**. An exact address is not required, but a general location and/or zip code should be provided. DHS shall provide to Law Enforcement, database information regarding prior child abuse or neglect referrals, vital records, and other government database information concerning the targets of the police investigation when such information is to be used in furtherance of a joint police/DHS child endangerment investigation, including investigations into drug-related activities which may pose dangers to children.

Follow-up: In the event that a child is not present at the location but appears to have been living at the scene, the Law Enforcement Case Agent shall ensure that DHS is notified via the Child Abuse Hotline so they may provide a follow-up assessment of the child.

DEPARTMENT OF HUMAN SERVICES (DHS) ADMINISTRATIVE RESPONSE

Applicability of Protocol: This DHS protocol is intended to cover the DHS workers' response to, and investigation of, drug endangered children.

Staffing: Washington County DHS currently has workers available for immediate joint response with Law Enforcement Agencies (LEA) from 8-5 Monday-Friday. The Child Abuse Hotline is available to LEA 24 hours a day, 7 days a week. The Hotline has access to Washington County DHS certified, on-call staff for both consultation and field response as appropriate.

Training: DHS and LEA will be trained regarding this protocol.

Screening: All child abuse/neglect (CA/N) reports covered by this protocol will be directed to a Hotline screener, who will initiate a DHS 307 form. The DHS 307 forms, which give DHS the legal basis to begin a DHS investigation, must be initiated for all DHS field assessments. The screener will conduct a DHS history search and do applicable criminal records checks, per DHS policy. Screening decisions about when DHS will respond (i.e., within 24 hours/immediate or 5 days/impending) will be made based on child safety, coordination/planning with LEA and other relevant factors. Impending response may be indicated if extensive response planning is necessary with LEA. The decided DHS response will be communicated to and coordinated with the responding police agency.

DHS On-site Safety Assessment of Drug-Endangered Children: DHS shall conduct a safety assessment in accordance with DHS procedures, and shall inform the investigating officers when immediate protective custody of a child is warranted. LEA also has the authority to take children into protective custody when the child's conditions or surroundings reasonably appear to jeopardize the child's welfare. (ORS 419B.150)

Police-Initiated Requests for Joint Response with Advance Notice: When police become aware of drug-endangered children during the course of a criminal investigation, the following steps will be taken.

> LEA will call the Child Abuse Hotline at. **1-855-503-SAFE (7233)**. The Hotline screener will initiate the DHS-307 form.
>
> Dependent upon the nature of the report, the screener will determine the nature of the response required, in conjunction with the Intake supervisor, and facilitate that DHS personnel are assigned for a field response.

Police-Initiated Requests for *Immediate* Joint Response with No Advance Notice: When police encounter drug-endangered children without forewarning, such as when a methamphetamine lab is unexpectedly discovered and children are present, the following steps will be taken.

> LEA will call the Child Abuse Hotline for DHS assistance.
>
> Hotline screener will initiate the DHS 307 form.
>
> Subsequent to the screening process, Washington County DHS trained staff will coordinate/plan with LEA regarding the DHS response, which may include assigning a CPS worker for an immediate field response.

In the extraordinary event of a DHS field staff being contacted directly by LEA, the DHS worker will contact the appropriate Hotline to initiate the 307.

DHS-Initiated Requests for Immediate Joint Response Following Call to Child Abuse Hotline: When the Hotline receives a report of children exposed to the sale, manufacture, or possession of illegal drugs, the screener shall attempt to obtain the following information to assist in the determination of whether an immediate joint response is necessary.

The detail of the report, including the description of the reported address, the number, identity and/or description(s) of the responsible adult(s); the number, identity and/or descriptions of the endangered children; the nature of the danger to the children; the living conditions of the children; the presence and frequency of chemical odors; chemicals observed at the location; specific observations of drug activity; information concerning the presence of weapons; and any other dangers observed by the reporting party.

When information, obtained from the caller, does not by itself require an immediate joint response, the screener shall attempt to obtain relevant information from the applicable police agency concerning the subjects of the complaints, and whether LEA is aware of the location and or circumstances reported to the Hotline screener.

When a Hotline caller reports circumstances indicating an immediate danger to children, the screener shall call 9-1-1 and report the information for an immediate emergency services response, and shall thereafter initiate a DHS 307 and notify appropriate DHS personnel, per routine branch or after hours protocols, for an immediate joint response.

DHS-Initiated Requests for Immediate Joint Response following DHS Employee Observations: DHS personnel who encounter potential drug-endangered children during the course of a home visit or in other field situations shall follow statewide DHS safety protocol, and shall call 9-1-1 and/or the Child Abuse Hotline, as appropriate.

Whenever a Joint Response is required: In many situations, response from both Law Enforcement and DHS will be necessary. In all cases, the health and safety of the children involved will take priority over all other concerns. Law Enforcement officers, while being aware of this priority, will have the added responsibility of identifying and preserving evidence as they proceed.

DHS Facilitation of Medical Evaluation, Testing, and Follow-Up: Applies when DHS has protective custody or parents have given consent. While in protective custody, medical expenses for drug endangered children are covered under the Oregon Health Plan.

DHS LEVEL I RESPONSE:

DHS Coordination of Immediate Medical Evaluation and Testing: DHS shall ensure that children found at clandestine drug manufacturing sites are taken, subsequent to site decontamination protocols, to participating medical facilities for a comprehensive physical examination. Currently, Randall Children's Hospital Emergency Department (ED) is the one metro facility participating in the DEC protocol. Children shall receive a medical evaluation and testing **as soon as possible. If at all possible, the first urine sample should be collected within 2-4 hours of their removal from a clandestine drug manufacturing site.**

If the child has been exposed to clandestine drug manufacturing, but is not discovered at the time of the initial investigation, the child should still be brought to the ED if the child is located within 48 hours of the child's exposure. If exposure occurred prior to that time, information gathered by DHS regarding the exposure may be taken into consideration and the child may be referred to the ED or to other medical services for evaluation.

DHS shall notify Randall Children's Hospital ED at (503) 276-9191as soon as possible regarding the number of drug-endangered children to be transported to the ED for medical evaluation and testing.

Obtaining Decontamination Information: If responsible for the transportation of the drug-endangered children for medical evaluation and testing, the DHS personnel shall determine from the Law Enforcement Case Agent, the type of decontamination performed on the scene and the need for any further decontamination at the ED.

Children are presented to the ED admittance desk. In the extraordinary event that a child has not had at least a "dry" decontamination, report to the ED via the ambulance bay.

Obtaining Medical History: DHS shall attempt to obtain information on the medical histories, allergies, current prescriptions, and other historical health information from the parents or other adult care-givers present at the location of the endangerment. In addition, DHS shall attempt to obtain signed legal consent/disclosure forms for securing medical history information and to allow medical evaluations and testing of the children from the parents or guardians of the drug-endangered children.

Forensic Interview Referral: If DHS and LEA determine a forensic interview of the child is warranted, the referral will be made to the appropriate program and according to standard Child Abuse MDT protocol.

DHS Long-Term Follow-Up: DHS personnel shall thereafter ensure that children taken into Protective Custody pursuant to this protocol are examined by medical and mental health professionals as needed and required by DHS policy. This follow-up is to include, at a minimum, within one month of the drug related exposure, the following:

Abnormal lab tests repeated
Complete referrals for developmental and mental health assessments
HIV tests per DHS policy
DHS Caseworker will provide to the foster parent, a copy of the letter *Information for Health Care Providers—Children Exposed to Methamphetamine Labs.* The foster parent will provide the child's current medical provider with a copy of this letter.

DHS LEVEL II RESPONSE:

DHS Coordination of Immediate Medical Evaluation and Testing: DHS shall ensure that children found in homes where use, possession or consumption of illegal substances is occurring that the child receives appropriate laboratory screening. If at all possible, this should occur within **two to four** hours from the time the children were removed from the location. If the child appears altered or exhibits illness or injury, DHS will call EMS. DHS shall contact CARES NW on-call medical staff at (503) 276-9000 within 24 hours of removal for further medical triage decision-making.

If the child is not discovered at the time of the initial investigation but the child is located within 48 hours, the child should be referred for a medical evaluation within 72 hours and labs within 12 hours, per DHS protocol, to medical providers who are able to collect the necessary lab information.

Obtaining Medical History: DHS shall attempt to obtain information on the medical histories, allergies, current prescriptions, and other historical health information from the parents or other adults present at the location of the endangerment. In addition, DHS shall attempt to obtain consent for medical evaluation and testing from the parents or guardians of the drug-endangered children.

Forensic Interview Referral: If DHS and LEA determine a forensic interview is warranted, the referral will be made to CARES NW per the Child Abuse MDT Protocol.

DHS Long-Term Follow-Up: DHS personnel shall thereafter ensure that children taken into protective custody pursuant to this protocol are examined by medical and mental health personnel as needed. This follow-up is to include, at a minimum, within one month of the drug-related exposure, the following:

Abnormal lab tests repeated
Complete referrals for developmental and mental health assessments
HIV tests per DHS policy
DHS Caseworker will provide to the foster parent, a copy of the letter *Information for Health Care Providers—Children Exposed to Methamphetamine Labs.* The foster parent will provide the child's current medical provider with a copy of this letter.

RANDALL CHILDREN'S HOSPITAL AND CARES NW PROTOCOL

A. **MEDICAL ASSESSMENT FOR DRUG-ENDANGERED CHILDREN**

1. **Medical Risks for Children:**
   a. Explosion and fire risk
   b. Injury from direct contact with caustic materials
   c. Long-term risk from exposure to environmental contamination
   d. Exposure to weapons/violence associated with criminal commerce
   e. Increased risk for sex abuse, physical abuse, emotional abuse and neglect

2. **Routes of Potential Exposure:**
   a. Inhalation
   b. Injection
   c. Ingestion
   d. Absorption

3. **Children found at drug manufacturing sites:**
   a. **Symptoms and Target Organs from manufacture of drugs:**
      1) **Solvents:** Acetone, ether, methanol gas, white gas, butane
         a) Symptoms: Irritation to skin, eyes, nose and throat; headache; dizziness; central nervous system depressant; nausea; emesis; visual disturbances; difficulty breathing; severe burns from explosion
         b) Target organs: eyes, skin, respiratory system, central nervous system
      2) **Corrosives/Irritants:** hydriodic acid, hydrochloric acid, phosphine, sodium hydroxide, sodium thiosulfate, and sulfuric acid
         a) Symptoms: Irritation to upper respiratory tract, cough; eye, skin burns; gastrointestinal disturbances; thirst; chest tightness; dyspnea; muscle pain; syncope convulsions
         b) Target Organs: eyes, skin and respiratory tract
      3) **Metals/Salts:** iodine, red phosphorus and yellow phosphorus
         a) Symptoms: irritation to eyes, skin, nose, respiratory tract; lacrimation; headache; chest tightness; cutaneous hypersensitivity; abdominal pain; jaundice
         b) Target organs: eyes, skin, respiratory system, central nervous system, liver, kidneys, blood, cardiovascular system

4. **All children with potential drug exposure:**
   a. **Symptoms from ingestion of drug:**
      a) **Marijuana**:
         (1) Symptoms: typically are ingestion by children, leading to dizziness, loss of coordination, lethargy, sleepiness, poor respiratory effort, coma
         (2) Target organs: central nervous system, respiratory system
         (3) Higher concentrations of THC in current formulations (ranging from 40-80% THC, compared to high grade marijuana plant which usually measures around 20% THC) the effects on the user may be more intense, both psychologically and physically, and can produce paranoia, anxiety, panic attacks, hallucinations, psychosis. Increased heart rate and blood pressure can also be seen. The concentrates can be infused into foods or drinks, but also can be smoked in a pipe or e-cigarette.

b) **Cocaine**:
   (1) Symptoms: seizure, loss of consciousness, shaking, increased heart rate and blood pressure, significant irritability
   (2) Target organs: cardiovascular system, central nervous system
c) **Methamphetamine**:
   (1) Symptoms: significant agitation, tremor, increased heart rate, increased blood pressure, confusion, hallucinations, anxiety, seizure, combative
   (2) Target organs: cardiovascular system, central nervous system
d) **Heroin**:
   (1) Symptoms: small pupils, lethargy, decreased breathing, decreased blood pressure, decreased heart rate, coma, constipation, muscle rigidity
   (2) Target organs: central nervous system, respiratory system, cardiovascular system, gastrointestinal system, musculoskeletal system
e) **Benzodiazepine:**
   (1) Symptoms: lethargy, coma, decreased breathing, altered mental status
   (2) Target organs: respiratory system, central nervous system

5. **Butane Honey/Hash Oil explosions (aka "shatter", "wax", "dab")**
   a. Issues: with increased availability of Marijuana plants and plant products, leading to home and non-commercial manufacture of marijuana concentrate using easily available, legal products. The manufacture of marijuana oil using pressurized butane leads to a risk for explosion, flash burns, exposure to concentrated tetrahydrocannabinol (THC) as well as risk for exposure to other forms of child abuse and neglect.
   b. **Recommendations:**
      1) Children found in homes where butane honey oil production is discovered, should have a complete evaluation, including a urine drug screen within 4 hours.
      2) Children who exhibit symptoms of butane exposure (see above), or who are burned in the explosion should be taken to the Randall Children's emergency department immediately for evaluation.
      3) All children should undergo medical evaluation at CARES NW with a forensic interview at if they are developmentally able.

B. NOTIFICATION AND PRESENTATION OF DRUG-ENDANGERED CHILDREN TO RANDALL CHILDREN'S HOSPITAL EMERGENCY DEPARTMENT (ED)

1. Drug-endangered children should undergo urgent medical evaluation and testing pursuant to this protocol are to be taken to the Randall Children's Hospital ED and first urine sample collected as soon as possible prior to **4 hours*** of their removal from a clandestine drug manufacturing site. (*If the child has been exposed to clandestine drug manufacturing, but is not discovered at the time of the initial investigation, the child should still be brought to the ED within 48 hours of their exposure.)
2. DHS or police will notify Randall Children's Hospital ED at (503) 276-9191 as soon as possible regarding the number of drug-endangered children to be transported to the ED for medical evaluation and testing.
3. Notify ED personal of any chemicals or exposures know to have been present at the site. Information may be provided by phone by the police Case Agent or their designee. This informs the ED of all available information regarding potential chemical exposure and the level and type of field decontamination performed on the children. Children will be decontaminated prior to being transported to the ED if they were exposed to the manufacture, unless medical instability requires immediate transportation.
4. Contaminated children report to the ED ambulance bay. Otherwise, children are presented to the ED admittance desk.

C. **EMERGENCY DEPARTMENT EVALUATION AND TESTING OF DRUG-ENDANGERED CHILDREN**

1. **Emergency Department:** Upon DHS or police request for a drug-endangered child evaluation:
   a. ED nurse shall immediately obtain a **urine sample** from the children, and send to lab per the hospital protocol.
   b. ED Physician will perform a complete a physical exam. Please note any unusual odors as well as skin/Hair findings. Drug endangered children are at risk for: injuries, lesions and foreign substances and stains, which should be collected and/or photographed.

2. **Laboratory Testing Ordered by ED:**
   a. **Urine testing** to be ordered by the ED is:
      1) Complete urine drug screen: Drugs of abuse panel to the lowest level of detection with confirmation.
      2) Specific order for most likely drugs/chemicals the child was exposed to, e.g. methamphetamine or amphetamine, cocaine, etc. Include in the order a note to "run the test to the lowest limits of detection"
      3) **Consider Serology testing** and follow up on the following additional labs if a child was found at a drug manufacturing site:
         a) Comprehensive Metabolic Panel (includes electrolytes and liver function test).
         b) Complete blood count
         c) Lithium level
         d) lead or heavy metal analysis (based on exposure)

   The order will list the lab studies in descending order of importance. Lab personnel will run the studies in order of priority until the specimen is exhausted.

3. **Additional ED Notifications/Referrals:**
   a. ED is to notify the Washington County DHS Child Abuse Hotline at **1-855-503-SAFE (7233)** if concerns of physical or sexual abuse arise during the medical evaluation, or if crisis intervention is needed. The Child Abuse Hotline will cross report this information to the appropriate LEA jurisdiction that will assess the need for an immediate LEA response under the MDT protocol. The ED will call the CAS (Child Abuse Specialist) in to provide social work support for the ED in these circumstances.
   b. ED will refer all drug-endangered children for forensic evaluation at CARES NW per MDT Protocol.

D. **CARES NORTHWEST ASSESSMENT AND FOLLOW-UP**

1. **Notification of Potential Drug-Endangerment:** ED will notify the child's medical provider, that child was seen in ED. CARES NW will determine if further intervention and/or follow up is needed.
2. **Medical Evaluation and Test Results:** CARES NW will work with DHS and LEA to determine further medical follow up.

WASHINGTON COUNTY DISTRICT ATTORNEY'S OFFICE PROTOCOL

The Senior Deputy District Attorney supervising child abuse prosecutions or their designee shall be the recipient of all completed DEC investigations and referrals by law enforcement agencies within Washington County. They will assign the case to a Deputy District Attorney (DDA) in the child abuse unit for review and prosecution. Although the assigned DDA is immediately responsible for handling of the case, the Supervising Senior Deputy is available to any member of law enforcement and DHS to answer questions or respond to any concern about the prosecution of a case.

Investigative Assistance to Police and DHS: Upon request by law enforcement or DHS personnel involved in a DEC investigation, a DDA in the Washington County DA Office's child abuse unit may assist in the review of search warrants and search warrant affidavits. The DDA may also assist in the investigation as necessary and appropriate. During regular business hours police officers and DHS may contact the on-call child abuse DDA assigned to intake for that day. If that DDA is not available law enforcement may contact the Senior DDA supervising child abuse prosecutions or any DDA in the child abuse unit. During other times, police and DHS may contact the on-call child abuse DDA via non-emergency dispatch.

Coordination with Juvenile DDAs: The assigned Child Abuse Unit DDA will communicate with the Deputy District Attorney assigned to the dependency case. Police reports forwarded to the supervising Senior DDA shall contemporaneously be forwarded to the Washington County DA's juvenile unit.

Prosecution of DEC Cases: The assigned Child Abuse Unit DDA or his/her designee is responsible for screening and evaluation of the drug and child neglect/endangerment case for prosecution in a timely fashion.

Assignment of Victim Advocate in DEC Cases: A Victim Advocate from The District Attorney's Office will be assigned if children may be required to testify in a prosecution resulting from a DEC investigation.

Sentencing Considerations: The assigned DDA may communicate with assigned DHS personnel assigned to any pending dependency or termination case before entering into a plea agreement with the defendant(s) to ensure that an appropriate sentence is recommended, and, where applicable, that appropriate conditions of probation are in place to address the parenting concerns.

Restitution: The assigned DDA shall include, as appropriate, in the pre-trial offer, a requirement that the offender pay restitution for costs incurred in the medical evaluation, testing, and treatment of any drug-endangered children which resulted from the offender's criminal activities. Other related restitution may be sought as well; including that associated with clean-up of the contaminated site and HazMat response expenses.

Communication with Other Interested Agencies: The assigned DDA may, as appropriate, make available the outcome of any drug prosecution involving child endangerment charges to interested DHS and dependency or termination deputy district attorneys.

WASHINGTON COUNTY COMMUNITY CORRECTIONS PROTOCOL

Specialized Caseloads and Cases Identified at Intake as DEC
Community Corrections will identify specific DEC Probation/Parole Officers to be the recipients of identified DEC cases.

Every defendant placed on formal probation by the Court will attend a Community Corrections Intake and Orientation Class. If the Intake Officer has prior knowledge that the defendant has been identified as being involved in a DEC case, the Intake Officer will assign the case to the appropriate DEC caseload. In the event a case has not been identified as a DEC case before initial assignment, the case will be considered for reassignment to a DEC caseload.

If a defendant is being paroled back into the community and was previously identified by the other community partners as a DEC case, the case will be assigned to a DEC caseload.

Community Corrections will support the officers assigned to DEC caseloads in their endeavors to attend joint partnership meetings involving their cases. This may include joint meetings with DHS, WIN or other partner agencies.

If a defendant convicted of DEC-related crimes becomes involved in new criminal activity, Community Corrections staff will work in tandem with the investigating agency to reach a resolution.

WASHINGTON COUNTY JUVENILE DEPARTMENT PROTOCOL

According to management and the medical staff at Donald E. Long Detention Facility (DEL), youth who are taken into custody from an active clandestine drug manufacturing site or environment where methamphetamine exposure has taken place, will need to be cleared medically before entering their facility.

Once cleared, DEL has medical staff on hand to treat any symptoms of withdrawal that youth may experience and provide treatment of any medical problems. DEL has isolation/observation rooms that can be used if necessary. Youth affected by methamphetamine are allowed to sleep as much as needed upon entry into the facility and are given fluids and adequate nutrition.

CONTACT INFORMATION

AGENCY	TELEPHONE NUMBER
CARES Northwest	503 276-9000
Child Abuse Hotline	**1-855-503**-SAFE (**7233**)
Randall Children's Hospital Emergency Department	503 276-9191
MetroLab Dispatch Courier	503 413-5200
Poison Control Center	1 800 222-1222
Police/Fire Non-Emergency Dispatch: Washington County Consolidated Communications Agency (WCCCA)	503 629-0111
Washington County Community Corrections	Front desk (8am—6pm) (503) 846-3400 After hours (6PM-8 AM) (503) 846-8818
Washington County District Attorney's Office	503 846-8671
Washington County Juvenile Dept.	503 846-8861
Westside Interagency Narcotics (WIN) Team	503 672-9511

AFTER HOURS: Contact WIN & on-call Deputy District Attorney through WCCCA Non-Emergency Dispatch at 503 629-0111.

INDEX / TOPICS

. 362

A

ACCOUNTABILITY
Supervisors. 25
ACKNOWLEDGEMENTS
Department-issued property. 443
Departmental directives. 26
ADMINISTRATIVE HEARINGS 395
ADMINISTRATIVE LEAVE
Fitness for duty. 592
ADULT ABUSE 130
Investigations. 404
AIRCRAFT
Flying while armed. 93
AIRCRAFT ACCIDENTS 325
ALCOHOL
Intoxicants. 169
AMMUNITION 91
Property packaging. 469
ANIMAL CONTROL 497
ANIMALS
Dangerous. 92
Euthanize. 93
Injured. 93
ANTI-RETALIATION 546
APPOINTMENTS
Operations director 428, 432
Petty cash fund manager. 458
Volunteer coordinator. 235
ARRESTS
Child and dependent adult safety. . . . 230
Citations. 300
Domestic violence. 115
First amendment assemblies. 371
Juveniles. 123
Mental health. 297
Safety belts. 576
ASSET FORFEITURE 407
AUDIO/VIDEO RECORDING
Holding cells. 511
AUDITS
Informant funds. 418
Informants. 416
Petty cash. 458
Property bureau. 473
AUTHORITY 14
Canine handler. 244
Civil commitments. 296
Ethics. 165
Speech, expression and social networking. 630

B

BACKGROUNDS
Ride-alongs. 284
BADGE
Mourning Badge. 614
BADGES 623
BARRICADED SUSPECTS 288
BATONS 55
BICYCLE PATROL 358
BICYCLES
Property storage. 468
BIOLOGICAL SAMPLES
Evidence. 468
Hazards. 326
Property packaging. 468
BLOOD TESTS 392
BODY ARMOR
Suspects. 89
BODY CAVITY SEARCH 518
BOMB CALLS 293
BOMB THREATS 295
BOMBS
Aircraft accidents. 326
MDC/MDT. 345
BOOKING SEARCH 518
BULLET
Casings. 480
Identification. 480

C

CANINES
Pursuits. 355
CASH
Asset forfeiture. 409
Audit. 418
Custody. 510
Property packaging. 468
CHANGE OF ASSIGNMENT
Property bureau. 473
CHAPLAIN PROGRAM 225
CHEMICAL AGENTS 54
CHEMICAL AGENTS 54
CHIEF EXECUTIVE OFFICER 21
CHIEF OF POLICE 23
CHILD AND DEPENDENT ADULT SAFETY 230
CHILDREN
Child safety. 230
Domestic violence. 113
Firearms. 97
Transporting. 577
CITATIONS 300

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Evaluation criteria. 380
Traffic. 380
CIVIL
Subpoena. 181
CIVIL COMMITMENTS 296
CIVILIAN/NON-SWORN
Investigation and prosecution. 402
CLOSED CONTAINER SEARCHES
Custodial searches. 521
COMMAND STAFF
Anti-retaliation. 548
Claims review. 445
Policy reviews. 26
Work-related injuries. 605
COMMENDATIONS AND AWARDS . . . 586
COMMUNICABLE DISEASE
Health orders. 268
COMMUNICABLE DISEASES
Custody. 506
COMMUNICATIONS CENTER
Mandatory sharing. 189
COMMUNICATIONS WITH PERSONS WITH DISABILITIES 208
COMPUTERS 170
Digital evidence. 404
CONDUCT
Anti-retaliation 546, 546
Fitness for duty. 592
Meritorious. 590
OIS. 65
Prohibited speech, expression and social networking. 629
Ride-alongs. 285
Standards of Conduct. 168
CONFIDENTIALITY
Communicable disease information. . . 560
Fitness for duty. 593
Informants. 414
Personnel records. 582
Protected information. 238
Radio broadcasts. 344
Retaliation complaints. 547
CONSULAR OFFICERS 312
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 263
Warrant service. 430
CONTROL DEVICES 53
Decontamination. 557
Training. 318
CORRESPONDENCE 32
COURT APPEARANCES 180
COURT ORDERS
Adult abuse. 132
Asset seizure. 408
Canine controlled substance. 250
Citation releases. 300
Domestic violence 111, 117
Juvenile informants. 414
Property. 472
Source testing. 559
Subpoenas. 180
CRIME AND DISASTER SCENE INTEGRITY 267
CRIMINAL ACTIVITY REPORTING . . . 172
CUSTODIAL SEARCHES 518
CUSTODIAN OF RECORDS
Email. 31
Personnel records. 582

D

DAILY TRAINING BULLETINS (DTBS)
Training records. 581
DAMAGE BY CITY PERSONNEL 174
DEATH
Custody - adults. 514
Custody - juveniles. 128
Native American Graves (NAGPRA). . . 253
DEBRIEFING
Warrant service. 430
DECONFLICTION 434
DEFECTIVE VEHICLES 448
DEFINITIONS OF TERMS IN MANUAL . . 18
DEPARTMENT-OWNED AND PERSONAL PROPERTY 443
DEPARTMENTAL DIRECTIVE 26
DEPENDENT ADULTS
Safety. 230
DIGITAL EVIDENCE 493
DIPLOMATIC AGENTS 312
DIPLOMATIC IMMUNITY 311
DISASTER PLAN 27
DISCIPLINE
Custody - juvenile. 126
Records. 581
Volunteers. 239
DISCLAIMER OF POLICIES 18
DIVISIONS 23
DOMESTIC VIOLENCE 111
DOMESTIC VIOLENCE
Definition Of Terms. 619
Involving Employees 112, 619
DRIVING
Defensive. 239

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Impaired. 391
MDC/MDT. 344
Safety. 169
DRIVING TACTICS 102

E

ELECTRICAL LINES 324
ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY DEVICE 59
ELECTRONIC CIGARETTES 564
EMERGENCY MANAGEMENT PLAN . . . 27
EMERGENCY UTILITY 324
EMPLOYEE ASSISTANCE PROGRAM . . 552
ETHICS 165
ETRACE 480
EVALUATION 539
EVIDENCE
Digital. 404
NAGPRA. 253
EXPLOSIVES 293
EXPOSURE CONTROL 556
EXPOSURE(S) 286
EYEWITNESS IDENTIFICATION 420

F

FIELD SOBRIETY TESTS 391
FIREARM SERIAL NUMBERS 479
FIREARMS
Civil commitments. 299
Conduct. 169
Destruction of animals. 501
Property packaging. 469
Retiree Carry. 34
Vehicle use. 454
FIRST AMENDMENT ASSEMBLIES . . . 367
FITNESS FOR DUTY
Volunteers. 237
FLAT BADGE 623
FLYING WHILE ARMED 93
FOREIGN NATIONALS 311
Arrest or Detention. 311
Arrest Procedure. 316
In-Custody Arrests. 313
Traffic Collisions. 315
Vehicle Registration. 312
FORMS
Asset forfeiture receipt. 409
Eyewitness identification. 420
Lab. 471
Notice of asset seizure. 409
Property. 467
Property loss/damage claims. 445
Property release. 472
Ride-along waiver. 283

G

GRIEVANCES 544

H

HANDCUFFING AND RESTRAINTS . . . 47
Custody. 509
HAZARDOUS MATERIAL 286
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Aircraft accidents. 326
Precautions. 557
HIGH-VISIBILITY VESTS 381
HONORARY CONSULS 312
HOSTAGES 288

I

IDENTITY THEFT 197
IMMUNITY 311
IMMUNIZATIONS 558
IMPAIRED DRIVING 391
INFORMANTS 414
INFORMATION TECHNOLOGY USE . . . 170
INITIATE A PURSUIT 99
INSPECTIONS
Firearms. 89
Holding cells. 511
Property bureau. 473
INTERPRETATION 200
INVESTIGATION AND PROSECUTION . 404

J

JAIL SEARCHES 508
JURISDICTION
Aircraft accidents. 326
OIS. 64
Registered offenders. 190

L

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LAW ENFORCEMENT AUTHORITY . . . 14
LIGHT DUTY 625
LIMITED ENGLISH PROFICIENCY
Eyewitness identification. 420
LIMITED ENGLISH PROFICIENCY . . . 200

M

MANUALS 27
MEAL PERIODS AND BREAKS 595
MEDIA
Aircraft accidents. 327
First amendment assemblies. 371
Operations plans. 436
Warrant service. 431
MEDIA REQUEST 176
MEDICAL
Adult involuntary detention. 133
Aircraft accidents. 325
Examinations - adult abuse. 134
For canines. 249
Screening custody-juveniles. 122
Treatment for work-related injury and illness 605
MEDICAL LEAVE ACT (FMLA) 554
MEMORANDUMS 32
MINIMUM STAFFING 33
MOBILE DIGITAL TERMINAL USE . . . 343
MODIFIED DUTY ASSIGNMENTS 625
MUTUAL AID 188
First amendment assemblies. 370
Warrant service. 430

N

NEWS MEDIA RELATIONS 176
NONSWORN
Vehicles. 453
NOTIFICATIONS
Aircraft accidents. 326
Cash. 459
Custody suicide attempt, death or serious injury
. . . . . 128, 514
Impaired driving. 393
Juvenile in custody. 124
NAGPRA. 253
OIS. 68
Sick leave. 554

O

OATH 17
OFFICER SAFETTY
Personal appearance standards. 607
OFFICER SAFETY
Asset forfeiture. 408
Civil commitments. 297
Crime and disaster scene integrity. . . . 267
Domestic violence. 111
Foot pursuits. 355
Informants. 415
LEOSA. 34
Safety belts. 576
Warrant service. 428
OPERATIONS PLANNING AND
DECONFLICTION 432
ORGANIZATIONAL STRUCTURE AND
RESPONSIBILITY 23
OUTSIDE AGENCY ASSISTANCE 188
OUTSIDE EMPLOYMENT 601
Obtaining Approval. 601
Prohibited Outside Employment. . . . 602
Security Employment. 602
OVERTIME
Court. 182
OVERTIME
Restrictions Working Undercover. . . . 603
OVERTIME PAYMENT 599

P

PARKING 453
PATROL BICYCLE 358
PERFORMANCE EVALUATIONS
Sick leave. 555
Volunteers. 239
PERSONAL APPEARANCE STANDARDS . 607
PERSONAL IDENTIFYING INFORMATION 488
PERSONAL PROTECTIVE EQUIPMENT . 460
PERSONNEL COMPLAINTS
Bias-based policing. 263
Volunteers. 239
PERSONNEL RECORDS 580
PHOTOGRAPHS
Aircraft accidents. 327
First amendment assemblies. 368
Photo lineup. 422
PHYSICAL BODY CAVITY SEARCHES . 520
POLICY MANUAL 18
PREGNANCY
Custody 506, 509
PREGNANCY 627
PRIVACY EXPECTATIONS

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Email. 30
MDC/MDT. 343
Unmanned aerial systems. 424
PRIVATE PERSONS ARRESTS 198
PROMOTIONAL PROCESS 541
PROPERTY BUREAU
Asset forfeiture. 410
PROPERTY PROCEDURES
Narcotics And Dangerous Drugs. . . . 467
PROTECTED INFORMATION
Criminal offender information. 489
PROTECTIVE CUSTODY
Dependent adults. 132
PUBLIC RECORDING OF LAW ENFORCEMENT
ACTIVITY 364
PURSUIT INTERVENTION 105
PURSUIT POLICY 98
PURSUIT UNITS 101
PURSUITS
Foot. 355

R

RANGEMASTER
Control devices. 54
Firearms. 89
Inspections. 89
RAPID RESPONSE AND DEPLOYMENT . 317
RECORDS BUREAU
Administrative hearings. 395
Impaired driving. 395
Suspicious activity reports. 377
RECORDS RELEASE
Adult abuse. 135
RECORDS RETENTION
Personal protective equipment training. . 463
REGISTRANTS 190
RELIGION
NAGPRA 253, 253
REPORT CORRECTIONS 175
REPORT PREPARATION 172
RESERVE OFFICERS 183
Coordinator. 184
Duties. 184
Firearms Requirements. 186
Training. 185
RESPONSE TO CALLS 109
RESTRICTED INFORMATION 179
REVIEWS
Anti-retaliation. 548
Departmental directives. 26
Eyewitness identification process - annual. 420
Mobile audio/video. 263
Registrant compliance - annual. 190
Use of force. 45
RIDE-AONGS 283
RISK ASSESSMENT 432

S

SAFETY
Anti-retaliation. 546
Communicable diseases. 556
Conduct. 169
First responder. 267
Fitness for duty. 592
Personal protective equipment. 460
Temporary custody of juveniles. 126
SAFETY BELTS 576
SAFETY EQUIPMENT
High visibility vests. 381
Safety belts. 576
Volunteers. 238
SEARCH AND SEIZURE 119
SEARCH WARRANTS 428
SEARCHES
Crime scene. 268
Custodial. 518
SECURITY
Property bureau. 466
Property room. 470
SECURITY EMPLOYMENT 602
SHIFT SUPERVISORS 342
SICK LEAVE 554
SMOKING AND TOBACCO USE 564
STAFFING LEVELS 33
STANDARDS OF CONDUCT 163
STRIP SEARCH 518
STRIP SEARCHES 519
SUBPOENAS 180
SUPERVISION DEPLOYMENTS 33
SUSPICIOUS ACTIVITY REPORTING . . 376

T

TAKE-HOME VEHICLES 454
TASER 59
TATTOOS 608
TECHNOLOGY USE 170
TEMPORARY CUSTODY OF JUVENILES . 121
TERMINATE A PURSUIT 99
TRAFFIC 379
TRAFFIC

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Citations. 380
TRAFFIC OFFICER/DEPUTY 379
TRAFFIC SIGNAL 324
TRAINING
Adult abuse. 135
Civil commitments. 299
Communicable disease. 560
Fair and objective policing. 264
Firearms. 91
First amendment assemblies. 372
Operations planning and deconfliction. . 437
Personal protective equipment. 464
Rapid response and deployment. 318
Speech, expression and social networking. 631
UAS. 425
Volunteers. 237
Warrant service. 431
TRAINING
Domestic Violence. 622
Searches. 521
TRANSFER PROCESS 541
TRANSLATION 200

U

UNIFORM PATCH 623
UNIFORM REGULATIONS 610
UNIFORMS
Ride-along attire. 284
Volunteer dress code. 237
UNLAWFUL ASSEMBLY 370
UNMANNED AERIAL SYSTEM 424
URINE TESTS 392
USE OF FORCE
Forced blood sample. 394
UTILITY SERVICE 324

V

VEHICLE MAINTENANCE 448
VEHICLES
Volunteers. 239
VIDEO RECORDINGS
First amendment assemblies. 368
VOLUNTEER
Defined. 235
VOLUNTEERS 235

W

WARNINGS
Canines. 245
Traffic. 380
WASHING OF VEHICLES 449
WATER LINES 324
WORK-RELATED INJURY AND ILLNESS
REPORTING 605

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