CHIEF OF POLICE’S PREFACE
The Sandy Police Department Policy Manual provides the framework to perform our law enforcement mission. These policies have been established as a result of an ever-changing assimilation of legal and best-practice principles in the law enforcement profession. These policies, coupled with professional training, provide you with the tools to carry out your law enforcement responsibilities. We are tasked with providing effective service to our community in a professional and ethical manner. All members of this department are held to the highest standard by the citizens we serve, adherence to these policies, respect for other people, and using our best judgment at all times are ways we will meet that standard.
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.
MISSION STATEMENT
The Sandy Police Department's mission is to fulfill the law enforcement needs of the people with the highest degree of fairness, professionalism and integrity, and protect the inherent rights of the people to live in freedom and safety. We are committed to protecting the lives of our citizens, ensuring a safe community, reducing crime and the fear of crime. Our mission is to ensure that our citizens feel safe to walk our streets and to picnic in our parks with their families. We will conduct police activities that help us achieve our mission, while ensuring that everyone is treated with dignity and respect regardless of their gender, ethnicity, race, color or sexual orientation.
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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement 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 Oregon Revised Statutes 161.015. Peace officer authority extends to any place in the State of Oregon.

100.2.1 AUTHORITY TO ARREST
Pursuant to Oregon Revised Statutes 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 Oregon Revised Statutes 133.310 (1), whether or not such crime was committed within the geographical area of such peace officer’s employment, and the peace officer may make such 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 Oregon Revised Statutes 161.235, 161.239 and 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 to the extent provided by Oregon Revised Statutes 153.039 and 810.410.

100.3 CONSTITUTIONAL REQUIREMENTS
All employees shall observe and comply with every person’s clearly established rights under the United States and Oregon Constitutions.
Public Safety Certification

102.1 PURPOSE AND SCOPE
The Department of Public Safety Standards and Training requires that all sworn law enforcement officers, telecommunicators and emergency medical 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).

102.1.1 REQUIRED STATE OF OREGON CERTIFICATION
All sworn law enforcement officers, telecommunicators and emergency medical 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 SUPERVISOR AND MANAGER CERTIFICATION

102.2.1 SUPERVISORS AND MANAGERS
In addition to basic certification, supervisors and mid-level managers are expected to meet the qualifications for supervisory or management level certification, respectively, within two years of each appointment (OAR 259-008-0060).

102.2.2 CHIEF EXECUTIVE OFFICER
In addition to the basic certification, executive officers should obtain a Department of Public Safety Standards and Training (DPSST) Executive certificate within two years of hire as a condition of employment (OAR 259-008-0060).

102.3 MAINTENANCE OF CERTIFICATION
In order to maintain certification, all active peace officers, telecommunicators and emergency medical dispatchers are required to meet on-going training requirements as specified in OAR 259-008-0064 or OAR 259-008-0065.

Active peace 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).
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 and uphold State and Federal constitutional rights and local ordinances, and to obey the rules and regulations of the Sandy Police Department, and to abide by the Code of Conduct established by the Sandy Police Department in discharging the duties of a law enforcement officer.

104.1.2 AFFIRMATION
I, (name) ___, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the Laws therefore. I swear to uphold the local ordinance, to obey the rules and regulations of the Sandy Police department and to abide by the Sandy Police Department Code of Ethics and I will faithfully, honestly, and impartially discharge the duties of a Police Officer during my continuance therein, to the best of my ability, so help me God.

104.2 LAW ENFORCEMENT CODE OF ETHICS
All personnel of the Sandy Police Department are required to subscribe and adhere to the Law Enforcement Code of Ethics as presented in the introduction to this Policy Manual.
Policy Manual

106.1 PURPOSE AND SCOPE
The manual of the Sandy 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 Sandy 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 Sandy 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.

City - The City of Sandy.
Non-sworn - Employees and volunteers who are not sworn peace officers.
Department/SPD - The Sandy Police Department.
DHS - Department of Human Services.
DMV - The Department of Motor Vehicles.
Employee/personnel - Any person employed by the Department.
May - Indicates a permissive, discretionary or conditional action.
Member - Any person employed or appointed by the Sandy 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 Sandy 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.
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 Sergeant 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 Sergeants, who will consider the recommendations and forward them to the command staff as appropriate.
Chapter 2 - Organization and Administration
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.

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the Sandy Police Department. There are three sections in the Police Department as follows:

- Administration Section
- Patrol Section
- Investigations Section

200.2.1 OPERATIONS DIVISION
The Patrol Section is commanded by a Sergeant, whose primary responsibility is to provide general management direction and control for the Patrol Section. The Patrol Section consists of Uniformed Patrol and Special Operations, which includes Traffic, the Dispatch Center and Police Aides/Assistants.

200.2.2 SERVICES DIVISION
The Services Division is commanded by the Chief. The primary responsibility for Records lies with the Records Manager. Operations Sergeants may provide direction to Services Division employees as needed. The Services Division consists of the Records Section, Code Enforcement, Property Room, and Chaplains.

200.3 COMMAND PROTOCOL

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.
Departmental Directive

204.1 PURPOSE AND SCOPE
Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL
Departmental Directives will be incorporated into the manual and 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 revision date listed at the bottom of each page of the manual.

Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 09-01 signifies the first Departmental Directive for the year 2009.

204.2 RESPONSIBILITIES

204.2.1 STAFF
The Management Team shall review revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

204.2.2 CHIEF OF POLICE
The Chief of Police 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 Sergeant.
Disaster 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 Sandy 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.

206.2.1 RECALL OF PERSONNEL
In the event that the Emergency Operations Plan is activated, all employees of the Sandy Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.3 LOCATION OF MANUALS
The manual for the employees is available in the training room which will serve as the City of Sandy's Emergency Operations Center (EOC). A diagram of the room set up and all associated equipment to run the EOC is also located in the training room.

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 UPDATING OF MANUALS
The Chief of Police or the authorized designee should review the Emergency Operations Plan Manual at least annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately addresses any needed revisions.
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 Sergeant. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative changes
- State mandated training
- Critical issues training
- Agency-specific training

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.
208.6 TRAINING COMMITTEE
The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.
(b) Incidents involving a high risk of death, serious injury or civil liability.
(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Sergeant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Sergeant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.7 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.
Training

2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Sergeant to attend an alternate date.

208.8 TRAINING COSTS
For purposes of this policy, the following definitions are provided (ORS 181.695):

Original employing governmental agency - The governmental agency that first employs an employee in a position that requires training.

Training costs - The expenses paid for by an employing governmental agency that include the cost of salary and benefits paid to an employee during training, the cost of salary and benefits paid to another employee to cover the workload of an employee in training and the cost of initial training courses required for employment.

Whenever statutorily required, an officer who voluntarily leaves employment with his/her original employing governmental agency and is subsequently employed by the Sandy Police Department in a position that requires the same training as required for the position with the original employing governmental agency, Sandy Police Department shall reimburse the original employing governmental agency for training costs incurred by the original employing governmental agency in accordance with the reimbursement schedule in ORS 181.695(3).

It is the responsibility of the Training Sergeant to identify when such reimbursements are required, and ensure that payment procedures are followed. If Sandy Police Department is the original employing agency in accordance with the definition contained in ORS 181.695(1)(a), the Chief of Police or designee will determine whether reimbursement will be sought from the agency which hired the officer.

In all issues of employment it is the policy of this department to take reasonable steps to retain competent employees.
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 192.420. 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 E-MAIL
Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing, or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

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 e-mail, name and/or password by others.

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.
Electronic Mail

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.
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 administrative communications. Administrative communications of this department are governed by the following policies.

214.2 MEMORANDUMS
Memorandums may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 CORRESPONDENCE
In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. 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 Sergeant.

214.5 INFORMATIONAL MEMOS
The Chief of Police may issue memoranda to department personnel from time to time for the purpose of disseminating information to the members.
Staffing Levels

216.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that proper staffing is available for all shifts. 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
Minimum staffing levels should result in the scheduling of at least one regular officer on duty, but ideally two whenever possible.

Sergeant(s) will be responsible for scheduling of personnel. A supervisor will be scheduled to be on duty or on call 24 hours a day, 7 days a week.
Not Used

217.1 NOT USED
Concealed Handgun License

218.1 PURPOSE AND SCOPE
The Sheriff of a county shall issue Oregon concealed handgun licenses to qualified applicants upon receipt of the appropriate fees and after compliance with the procedures set out in ORS 166.291 through ORS 166.295. Police Departments should refer inquiries related to concealed handgun licenses to the Sheriff's Office.
Retiree Concealed Firearms

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

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

220.3 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.

220.3.1 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 Sandy 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.

220.3.2 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 agency
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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.

220.4 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.

220.4.1 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.

220.5 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.

220.6 FIREARM QUALIFICATIONS
The Range Officer 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 date of the qualification. The Range Officer will maintain a record of the qualifications and weapons used.
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.

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.

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.

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.

300.2.1 DUTY TO INTERCEDE
Any officer present and observing another officer 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. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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

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

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

It is also recognized that circumstances may arise in which officers reasonably believe that it
would be impractical or ineffective to use any of the tools, weapons or methods provided by the
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.

300.3.1 USE OF FORCE TO EFFECT AN ARREST
An officer is justified in using force upon another person only when and to the extent that the officer
reasonably believes it necessary (ORS 161.235):

(a) To make an arrest or to prevent the escape from custody of an arrested person unless the
officer knows that the arrest is unlawful; or

(b) For self-defense or to defend a third person from what the officer reasonably believes to
be the use or imminent use of force while making or attempting to make an arrest or while
preventing or attempting to prevent an escape.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE
When determining whether to apply force and evaluating whether an officer has used reasonable
force, a number of factors should be taken into consideration, as time and circumstances permit.
These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at
the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of
exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.
Use of Force

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

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 person can comply with the direction or orders of the officer.

(c) Whether the person 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
The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
Use of Force

1. The subject is violent or physically resisting.

2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

(c) The application of a carotid control hold on the following 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 applying a carotid control hold:

1. Females who are known to be pregnant

2. Elderly individuals

3. Obvious juveniles

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
Use of Force

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should 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 using a "Sandy Police Department Use of Force Data Collection Report", as well as in the officers "Sandy Police Department Crime Report". Additional forms such as a Taser Application Form may also be completed. 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.

300.5.1 NOTIFICATION 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 [(EMDT)] 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 any of the above has occurred.
Use of Force

300.6 MEDICAL CONSIDERATION
Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the 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 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).

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

300.7 SUPERVISOR RESPONSIBILITY
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 subject upon whom force was applied. If this interview is conducted without the person 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. 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 subject 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 non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 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.
Critical Incident Review

302.1 PURPOSE AND SCOPE
This policy establishes a process for the Sandy Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY
The Sandy Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT
Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD
The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another. In the matter of a death, the board will convene following the criminal investigation.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Sergeant will convene the Use of Force Review Board as necessary. It will be the responsibility of the Sergeant or supervisor of the involved employee to notify the Administration Sergeant of any incidents requiring board review. The involved employee's Sergeant or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD
The Administration Sergeant should select Use of Force Review Board members from the following, as appropriate

- Training Sergeant
Critical Incident Review

- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same section as the involved employee will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD
The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.
(b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be
Critical Incident Review

forwarded to the involved employee’s Sergeant for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.
Restraint Devices

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

305.2 POLICY
The Sandy 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.

305.3 USE OF RESTRAINTS
Only members who have successfully completed Sandy 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.

305.3.1 RESTRAINT OF DETAINEES
Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

305.3.2 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.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.
Restraint Devices

305.3.3 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.

305.3.4 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

305.4 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 individual 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.

305.5 APPLICATION OF SPIT HOODS/MASKS/ SOCKS
Spit hoods/masks/socks 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. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.
Restraint Devices

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.

305.6 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.

305.7 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 suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, 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 unit).

305.7.1 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.

(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.
Restraint Devices

(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 ambulance/paramedic unit, 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).

305.8 REQUIRED DOCUMENTATION
If an individual 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 an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

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

308.2 POLICY
In order to control subjects who are violent or who demonstrate the intent to be violent, the Sandy Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

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

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

308.4 RESPONSIBILITIES

308.4.1 PATROL SERGEANT RESPONSIBILITIES
The Patrol Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.4.2 RANGE OFFICER RESPONSIBILITIES
The Range Officer 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 Range Officer 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 Range Officer 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.

308.5 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. 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.

308.6 TEAR GAS GUIDELINES
Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Sergeant, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 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, or are about to engage 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.

308.7.1 OC SPRAY
Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.7.2 PEPPER PROJECTILE SYSTEMS
Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.
Control Devices and Techniques

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR OC SPRAY EXPOSURE
Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.8 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.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES
This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.9.1 DEPLOYMENT AND USE
Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines 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.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
(b) The suspect has made credible threats to harm him/herself or others.
(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the 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 give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck 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.

308.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.
Control Devices and Techniques

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

308.10 TRAINING FOR CONTROL DEVICES
The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

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

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency’s Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency’s Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
Conducted Energy Device

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. 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.
Conducted Energy Device

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.
Conducted Energy Device

(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.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.
The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.

309.5.6 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.

309.5.7 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.

309.6.1 TASER DEVICE FORM
Items that shall be included in the TASER device report form are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.
(b) Date, time and location of the incident.
(c) Whether any display, laser or arc deterred a subject and gained compliance.
(d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
(e) The range at which the TASER device was used.
(f) The type of mode used (probe or drive-stun).
(g) Location of any probe impact.
(h) Location of contact in drive-stun mode.
(i) Description of where missed probes went.
(j) Whether medical care was provided to the subject.
(k) Whether the subject sustained any injuries.
(l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data.
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downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 REPORTS
The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing TASER devices
(b) Identification of all witnesses
(c) Medical care provided to the subject
(d) Observations of the subject's physical and physiological actions
(e) Any known or suspected drug use, intoxication or other medical problems

309.7 MEDICAL TREATMENT
Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person’s body. Used TASER device 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.
309.8 SUPERVISOR RESPONSIBILITIES
When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device’s onboard memory should be downloaded through the data port by a supervisor or Range Officer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING
Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for TASER devices will be documented in the officer’s training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
Conducted Energy Device

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.
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 other 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.

310.2 POLICY
The policy of the Sandy 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.

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 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Sandy Police Department would control the investigation if the suspect’s crime occurred in Sandy.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.
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 181.789).

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 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

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

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandy Police Department Officer in this Jurisdiction</td>
<td>Sandy Police Department</td>
<td>Clackamas County Officer-Involved Shooting Protocol and District Attorney’s Office</td>
<td>Sandy Police Department</td>
<td>Sandy Police Department Sergeant or Chief</td>
</tr>
<tr>
<td>Allied Agency’s Officer in this Jurisdiction</td>
<td>Sandy Police Department</td>
<td>Clackamas County Officer-Involved Shooting Protocol and District Attorney’s Office</td>
<td>Involved Officer’s Department</td>
<td>Involved Officer’s Department</td>
</tr>
<tr>
<td>An officer From this department in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Clackamas County Officer-Involved Shooting Protocol dictated by county where incident occurred</td>
<td>Sandy Police Department</td>
<td>Sandy Police Department Sergeant or Chief</td>
</tr>
</tbody>
</table>

310.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SPD 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.

310.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved SPD 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 SPD 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 the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
(d) Take command of and secure the incident scene with additional SPD 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 SPD officer should be given an administrative order not to discuss the incident with other involved officers or SPD 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.

310.5.3 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 Sergeant.

All outside inquiries about the incident shall be directed to the Patrol Sergeant.
310.5.4 NOTIFICATIONS
The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigations Sergeant
- Clackamas County Officer-Involved Shooting Protocol rollout team
- Outside agency investigators (if appropriate)
- Sergeant or Chief supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer’s agency representative (if requested)
- Public Information Officer

310.5.5 INVOLVED OFFICERS
The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated.
   1. Involved SPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
   2. Requests from involved non-SPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(d) A mental health professional shall be provided by the Department to each involved SPD officer (ORS 181.789). An involved officer shall attend at least one session. A mental health professional may also be provided to any other affected SPD members, upon request.
   1. Interviews with a mental health professional will be considered privileged.
   2. An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
   3. The Department shall pay the costs of at least two sessions with a mental health professional and the sessions must take place within six months after the incident.
4. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Communications with peer counselors are confidential (except threats of suicide or admissions of criminal conduct) and may not be disclosed by any person participating in the peer support counseling session (ORS 181.860). To be considered confidential communications under the statute, the peer counselor must:

1. Have been designated by SPD or employee assistance program to act as a peer counselor, and;

2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. An officer who uses deadly force that results in the death of a person shall not be returned to a duty assignment that might place him/her in a situation in which he/she has to use deadly force until at least 72 hours immediately following the incident (ORS 181.789). It shall be the responsibility of the Patrol Sergeant to make schedule adjustments to accommodate such leave.

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.

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) SPD supervisors and Sergeant or Chief personnel should not participate directly in any voluntary interview of SPD 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 SPD OFFICERS
In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved SPD 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 SPD 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 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 Investigation Section 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 Investigation Section supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Sergeant.

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 SPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Sergeant or Chief 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.
Officer-Involved Shootings and Deaths

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 Sergeant or Chief 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.

310.7.1 POST SHOOTING SUPPORT
Any officer, involved in a shooting will be placed on administrative leave during the investigation and will remain on leave until the investigation is complete. Involved officers will receive peer support and will be referred to, and encouraged to participate in, Employee Assistance provided by the city workers comp. provider.

The officer must receive psychological counseling from an approved police psychologist who specializes in officer involved shootings, (Dr. David Corey or Dr. Suzanne Best) before returning to regular duties. The doctor will provide written documentation that the officer is approved to resume regular duties.

310.8 CIVIL LIABILITY RESPONSE
A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.
All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

310.9 AUDIO AND VIDEO RECORDINGS
Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney’s Office, as appropriate.

310.10 DEBRIEFING
Following an officer-involved shooting or death, the Sandy Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING
A critical incident/stress debriefing should occur as soon as practicable. The Administration Sergeant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [dispatcher], other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Sergeant or Chief personnel.

310.10.2 TACTICAL DEBRIEFING
A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.
Officer-Involved Shootings and Deaths

310.11 MEDIA RELATIONS
Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Patrol Sergeant, Investigations Sergeant and Public Information Officer in the event of inquiries from the media.

No involved SPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Sergeant.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.12 REPORTING
If the death of an individual resulted from an officer use of deadly force and occurred in the Sandy Police Department jurisdiction, the Patrol Sergeant will ensure that the Records Manager is provided with enough information to meet the reporting requirements to the Department of Justice (ORS 181.789).
Firearms

311.1 SECTION TITLE

311.2 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.

311.3 POLICY
The Sandy 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.

311.4 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 Range Officer. 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 at an authorized 
department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, 
chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by 
law or that is not covered elsewhere by department policy, may not be carried by members 
in the performance of their official duties without the express written authorization of the 
member’s Sergeant. This exclusion does not apply to the carrying of a single folding pocketknife 
that is not otherwise prohibited by law.

311.4.1 HANDGUNS
The authorized department-issued handgun is the Glock SF 21, .45 Cal. handgun. The following 
additional handguns are approved for on-duty use:

Any .45 cal. handgun of good quality and manufacture approved by the Chief of Police and Range 
officer(s)

311.4.2 STORAGE OF FIREARMS AT HOME
Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, 
vehicles or any other area under their control in a manner that will keep them inaccessible to 
children and irresponsible adults.
311.4.3 PATROL RIFLES
The authorized department-issued patrol rifle is any .223 cal. rifle approved by the Chief of Police and Range Officer(s)

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.
(b) When a member is faced with a situation that may require accurate and effective fire at long range.
(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
(e) When a member reasonably believes that a suspect may be wearing body armor.
(f) When authorized or requested by a supervisor.
(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

311.4.4 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 of quality manufacture.
(b) The firearm shall be inspected by the Range Officer 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 under range supervision 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 Range Officer, who will maintain a list of the information.

311.4.5 AUTHORIZED SECONDARY HANDGUN
Members desiring to carry a personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and on the department list of approved firearms.
(b) Only one secondary handgun may be carried at a time.
Firearms

(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 cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Range Officer 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 under range supervision 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 Range Officer, who will maintain a list of the information.

(i) Caliber of the handgun must be approved by the Chief of Police. Generally a caliber approved would include 9mm, 10mm, 40 cal. and 45 cal.

311.4.6 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:

(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 cocking, discharge or loss of physical control.

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

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Range Officer 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 Range Officer, 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 Sandy Police Department identification cards under circumstances requiring possession of such identification.

311.4.7 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 Range Officer 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.

311.5 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.

311.5.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Officer.

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 Range Officer.

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense unless the damage is a result of an on duty action and may be made at the departments expense after approval by a supervisor. All modifications and repairs must be approved by the Range Officer.

311.5.2 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.

311.5.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Range Officer. Once the approved tactical 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.
**Firearms**

311.5.4 **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 Range Officer. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights 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.

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.

311.6 **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 Range Officer. Members shall not dry fire or practice quick draws except as instructed by the Range Officer or other firearms training staff.

(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, using clearing barrels.

(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 jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section 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 Department or a Range Officer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Officer 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.

311.6.1 **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.
Firearms

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

311.6.2 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.

311.6.3 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.

311.7 FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on-duty are required to successfully complete regularly scheduled training with their duty firearms. In addition to regularly scheduled training, all members will qualify with off-duty and secondary firearms using the Oregon State Qualification Standards at least annually. Training and qualifications must be on an approved range course.

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

311.7.1 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 shooting attempt shall be provided remedial training and will be subject to the following requirements:

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

(b) Members shall be given credit for a range 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 range 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.

311.8 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 Sergeant 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.

311.8.1 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 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.

311.8.2 INJURED ANIMALS
With the approval of a supervisor, 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.

311.8.3 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.

311.9 RANGE OFFICER AND ARMORER DUTIES
The range will be under the exclusive control of the Range Officer. All members attending will follow the directions of the Range Officer. The Range Officer will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date.
Failure of any member to sign in and out with the Range Officer may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Range Officer 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 Range Officer 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 Range Officer.

The Range Officer 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 Range Officer shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, 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 Range Officer should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

Weapons armorer's are REQUIRED to annually inspect firearms, conduct maintenance and replace parts as needed. This inspection WILL include a deep cleaning of all parts and components of any firearm inspected by the armorer.

### 311.10 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):

(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 Sandy 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 Sandy Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer’s travel. If approved, TSA will send the Sandy 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.

311.11 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) The officer shall carry his/her Sandy Police Department identification card whenever carrying such firearm.

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

(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.
Vehicle Pursuit Policy

313.1   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.

313.1.1   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.

313.2   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 (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

313.2.1   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 suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects 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) Availability of other resources such as helicopter assistance.

(m) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with prisoners in the police vehicle.

313.2.2 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 suspects' escape.

The factors listed in WHEN TO INITIATE A PURSUIT are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the
potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicles.

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

(a) Distance between the pursuing officers and the fleeing vehicles is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
(b) Pursued vehicle’s location is no longer 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.

313.2.3 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.

313.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.
313.3.1 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 ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

313.3.2 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 suspects without unreasonable danger to themselves or other persons.

Notify the Dispatch Center 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.

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

313.3.3 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

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

313.3.4 PURSUIT DRIVING TACTICS
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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 suspects.
   4. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.

(d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

313.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. 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 in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor.

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

The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.
313.3.6 PURSUIT TRAILING
In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

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

313.3.7 AIRCRAFT ASSISTANCE
When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

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

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor 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 aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.
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(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Control and manage SPD units when a pursuit enters another jurisdiction.

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

313.4.1 PATROL SERGEANT RESPONSIBILITY
Upon becoming aware that a pursuit has been initiated, the Patrol Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Patrol Sergeant shall review all pertinent reports for content and forward to the Sergeant.

313.5 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 an emergency channel most accessible by participating agencies and units.

313.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, the Dispatch Center will:

(a) Clear the channel on which the pursuit is being broadcast.

(b) Coordinate pursuit communications of the involved units and personnel.

(c) Notify and coordinate with other involved or affected agencies as practical.

(d) Ensure that a field supervisor is notified of the pursuit.

(e) Assign an incident number and log all pursuit activities.

(f) Broadcast pursuit updates as well as other pertinent information as necessary.

(g) Notify the Patrol Sergeant as soon as practical.

313.5.2 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.

313.6 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.

313.6.1 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.

313.6.2 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 should consider the following additional factors:

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

As soon as practical, a supervisor or the Patrol Sergeant should review a request for assistance from another agency. The Patrol Sergeant or supervisor, after consideration of the above factors, may decline to assist in, 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.
313.7 PURSUIT INTERVENTION
Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.

313.7.1 WHEN USE AUTHORIZED
Use of pursuit intervention tactics should be employed only after approval of a supervisor. 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.

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

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

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

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

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

**Spikes or Tack Strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

313.7.3 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.
313.7.4 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 and only then with approval of a supervisor 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) As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. 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.

313.7.5 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 suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

313.8 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

(b) A field supervisor shall complete a Supervisor’s Log summarizing the pursuit to his/her department manager to evaluate the pursuit in terms of Department policy. The memo shall minimally contain the following information:
Vehicle Pursuit Policy

1. Date and time of pursuit.
2. Length of pursuit.
3. Involved units and officers.
4. Initial reason for pursuit.
5. Starting and termination points.
6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
7. Injuries and/or property damage.
9. Name of supervisor at scene.
10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
11. Determine the need for any additional review and/or follow up.

313.8.1 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.

313.8.2 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.

313.8.3 ANNUAL REVIEW
During the first calendar quarter of each year, Patrol Sergeant will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.
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 shall proceed immediately to calls that are of an emergency nature. A code 3 response should be considered when available information reasonably indicates that a person is threatened with injury or death, a felony property crime is in progress, or serious property damage is imminent and a more immediate law enforcement response is needed to mitigate injury, property loss, or to apprehend the suspect(s).

Officers responding Code 3 shall operate emergency lights and siren as is reasonably necessary pursuant to ORS 820.300 and ORS 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 OAR 735-110-0000(8) and OAR 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.

ORS 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 (ORS 820.300).

Officers responding to non-emergency calls shall observe all traffic laws and proceed without the use of emergency lights and siren.

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 the Dispatch Center.

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
Officer Response to Calls

316.3.1 NUMBER OF UNITS ASSIGNED
The number of units responding code 3 to a call should be kept to the minimal number required to safely address the situation.

316.4 INITIATING CODE 3 RESPONSE
Code 3 (lights and siren) response to calls are made at the officers' discretion. Due care and caution should be used when responding to a call Code 3. Consideration should be given to the type of call, time of day, traffic and weather concerns.

316.5 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.

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. An officer shall also discontinue the Code-3 response when directed by a supervisor.

316.6 SUPERVISORY RESPONSIBILITIES
Upon becoming aware of a Code-3 response, the Patrol Sergeants shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the Sergeant's judgment, the circumstances require additional units to be assigned a Code-3 response, the Sergeant may do so.

It is the Sergeant's responsibility to terminate a Code-3 response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Patrol Sergeant should consider the following:
- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.7 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 Patrol Sergeant, or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.
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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
The Sandy Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Department of Public Safety Standards and Training. The following definitions are provided by Oregon Revised Statutes 107.705:

Abuse - the occurrence of one or more of the following acts between family or household members:
- Attempting to cause or intentionally, knowingly or recklessly causing bodily injury
- Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury
- Causing another to engage in involuntary sexual relations by force or threat of force

Child - an unmarried person who is under 18 years of age.

Domestic Violence - is abuse committed between family or household members.

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.

Family or Household Members - include:
- Spouses and former spouses.
- Adult persons related by blood, marriage, or adoption.
- Persons who are cohabiting or who have cohabited with each other.
- Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a FAPA petition under Oregon Revised Statutes 107.710.
- Unmarried parents of a child

Interfere - to interpose in a manner that would reasonably be expected to hinder or impede a person in the victim's situation.

Intimidate - to act in a manner that would reasonably be expected to threaten a person in the victim's situation, thereby compelling or deterring conduct on the part of the person.
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**Law Enforcement Agency** - Means any federal, state, county, or local criminal justice agency employing persons who have peace officer powers per state statute.

**Menace** - To act in a manner that would reasonably be expected to threaten a person in the victim's situation.

**Molest** - To act, with hostile intent or injurious effect, in a manner that would reasonably be expected to annoy, disturb or persecute a person in the victim's position.

**Peace Officer** - Any Sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, investigator of the Criminal Justice Division of the Department of Justice or investigator of a district attorney's office and such other persons as may be designated by law.

**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.

### 319.2 POLICY

The Sandy 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.

#### 319.2.1 FAILURE TO PROTECT/DERELICTION OF DUTY/GOOD FAITH

Failure to adhere to the procedures outlined in this policy may be grounds for disciplinary action, up to and including termination.

Public safety personnel responding to domestic violence incidents in a manner inconsistent with these procedures will not be disciplined or discharged for acts done in good faith and according to otherwise sound and established proper police procedures. Such good faith exemption must be demonstrated and detailed in a proper incident report, and must be specific as to the underlying issues of public and victim safety causing a deviation from these established policies.

### 319.3 OFFICER SAFETY

*Domestic violence is a criminal activity in which arrest is the appropriate and preferred response.* Therefore, the provisions and protocols of this policy are designed to:

1. Ensure the safety of the victims.
2. Establish guidelines for a "pro-arrest" policy in domestic violence cases to protect victims and ensure compliance with mandatory arrest statute pursuant to ORS 133.055
3. Ensure compliance and enforcement of all valid court orders.
4. Ensure compliance with Oregon criminal code, department policies and procedures, and all pertinent state and federal regulations and laws.
319.3.1  RESPONDING OFFICER'S RESPONSIBILITIES

The responding officer(s) has the initial responsibility of intervention, ensuring the safety of all parties involved (including themselves and fellow officers), preservation of evidence and arrest of the offender. The responding officer(s), shall take immediate action to ensure the safety of the victim, any children present, all responding officer(s) and suspect. The responding officer shall request Emergency Medical System (EMS) response to the scene when appropriate.

A. Domestic Violence Response and Investigation.

All potential domestic violence calls for service shall be considered an urgent call for immediate response and promptly handled. Proceed with the investigation according to departmental investigation procedures, as well as the guidelines listed in this policy.

Officers shall keep 9-1-1 Dispatch apprised of their on-scene status, including the arrest and removal of all suspects to provide a safe and comfortable environment for the victims and an advocate’s response.

B. Seizing Weapons and Material Evidence.

Any weapons or material evidence involved in the alleged domestic violence crime shall be seized as evidence (i.e.; guns, knives, hair, damaged phones or phone cords, photographs, ligatures, etc.).

C. Separating Involved Parties.

Separate the involved parties before and during questioning. Do not let them see or hear each other. This is critical to accurate information gathering.

D. Domestic Violence Checklist.

Officers shall complete the DOMESTIC VIOLENCE CHECKLIST when talking to any potential domestic violence victim. It is mandatory that all victim interviews be audio taped due to the dynamics involved in domestic violence cases, and the propensity for victims to become uncooperative and sometimes recant prior statements.

Due to the dynamics associated with domestic violence as listed in the above paragraph, officers shall request and attempt to have each domestic violence victim sign an Authorization for Release of Information form authorizing the release of information and/or medical records. The Authorization for Release of Information form is included in the Domestic Violence Packet.

Officers shall attempt to have the release of information form signed regardless if the victim states they were not injured during the incident and no injuries are immediately visible. In the event the victim is withholding information about an injury that is not readily visible, or if complications from what the victim thought was a minor injury later devleops into a health problem, the signed release of information form would provide immediate access to any related information. The signed release form also provides follow up investigators with the means to obtain medical documentation of any alleged prior injuries related to, and possible evidence of, a history of domestic violence.
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Officers must be aware when speaking with domestic violence victims that a variety of factors may influence a victim's statements about what happened, as well as their explanation of any injuries. Initial information may be inconsistent with the responding officer's observations, training and experience as to what may have actually occurred. Officers should be aware of warning signs that indicate self defense.

Officers must also be aware of why domestic violence victims sometimes refuse to cooperate, or continually rekindle their relationship with the batterer. When faced with losing control of their partner through separation or intervention, batterers often turn their attention toward getting their victim back, using kindness or cruelty, or both. Additionally, victims are oftentimes fearful of what may happen to them and their children in the future. Domestic violence victims' common concerns include fear, financial dependency, safety for children, guilt, love of the batterer, loss of the family unit, access to the victim and children, fear of being stalked, hopelessness, a history of physical abuse, and intimidation or threats of future abuse.

Understanding the dynamics involved with domestic violence victims will enable officers to utilize appropriate tactical communication skills, establish a positive rapport and overcome obstacles to obtain the truth.

All suspect and witness interviews should also be conducted pursuant to the DOMESTIC VIOLENCE CHECKLIST. This will provide a potential assailant the opportunity to answer the same questions asked of the alleged victim, and ensure that important details are not omitted. This will also allow for an immediate comparison of the "Yes" and "No" answers from each individual statement to resolve any conflicting information.

E. Domestic Violence Advocates.

The primary responding officer, or a supervisor, will request a Clackamas County District Attorney's Office Victim Assistance Program victim advocate to the scene when any of the following apply:

- Significant physical injury to victim
- Significant emotional trauma to victim and/or children who witnessed the abuse
- High risk due to an ongoing domestic violence relationship (reported or stated)
- Victim is transported or drives to the hospital
- Officer is unable to convince the victim to report or have needed medical attention

Victim Advocates are available 24 hours a day 7 days a week and are dispatched by Clackamas County Comunications.

If no advocate is called to the scene AND the offender is (A) not immediately arrested, (B) being cited and released or (C) arrested over a weekend, the primary responding officer or supervisor will call the 24/7 Victim Assistance Program crisis line as (503)655-8616 with victim information.
(name, address, contact numbers) for immediate advocate contact by phone. The victim contact will be for the purpose of:

- Safety Planning
- Needs Assessment
- Crisis Intervention
- Restraining Order
- Resource Referrals

In all other cases, contact the Victim Assistance Program the next business day with case information.

F. Interviewing Suspects.

When interviewing suspects, officers should use the DOMESTIC VIOLENCE CHECKLIST and should utilize the following techniques:

1. Use calming techniques if necessary.

2. Acknowledge the suspect's frustrations, anger, and/or concerns, but do not leave suspects with the impression that the officer concurs with them.

3. Officers shall not agree with suspects about the victim's demeanor, actions, or alleged attitudes. Also, do not agree with suspect's actions.


5. Examine the suspect for bruising caused by self-defense actions of the victim.

6. Interview before handcuffing, unless issues regarding officer safety exist. This provides for a better rapport with the suspect, and will usually result in the obtaining of several statements that otherwise would not have occurred if previously handcuffed. Also, bruising from handcuffs may be claimed later by the suspect as an indication that "they" were the victim.

G. Interviewing Children

When interviewing children, officers should use the DOMESTIC VIOLENCE CHECKLIST and should utilize the following techniques:

1. Separate from parents, preferably in a comfortable place for the child.

2. Be at eye level with the child.

3. Be alert to any indication that the child is fearful of one or both of the parents, or feels responsible for what happened. Be alert for signs of child abuse, because the correlation between domestic violence and child abuse is high.

4. Questions should be non-leading and open-ended when speaking to children about what happened.
**H. Determining the Assailant or Potential Assailant.**

One of the more challenging calls for service that an officer responds to is domestic violence cases. Once at the scene, it can be difficult to determine what occurred and who should be arrested. To assist with determining who is the assailant or potential assailant, officers shall make every effort to make their determination based on ORS 133.055(2)(c):

"When a peace officer makes an arrest under paragraph (A) of this subsection, the peace officer shall make every effort to determine who is the assailant or potential assailant by considering, among other factors:

1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury;

2. If reasonably ascertainable, the history of domestic violence between the person involved;

3. Whether any alleged crime was committed in self-defense (see section "I" below); and

4. The potential for future assaults."

Officers shall use all reasonable means to prevent further abuse, and provide each abused person with a "rights and remedies card" as required by ORS 133.055(3):

"Whenever any peace officer has reason to believe that a family or household member, as defined in ORS 107.705, has been abused as defined in ORS 107.705 or that an elderly or disabled person has been abused as defined in ORS 124.005, that officer shall use all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community and giving each person immediate notice of the legal rights and remedies available. The notice shall consist of handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the district attorney to file a criminal complaint. You also have the right to go to the circuit court and file a petition requesting any of the following orders for relief:

(a) an order restraining your attacker from abusing you;

(b) an order directing your attacker to leave your household;

(c) an order preventing your attacker from entering your residence, school, business, or place of employment;

(d) an order awarding you or the other parent custody of or visitation with a minor child;

(e) an order restraining your attacker from molesting or interfering with minor children in your custody;

(f) an order awarding you other relief the court considers necessary to provide for you or your children's safety, including emergency monetary assistance. Such orders are enforceable in every state."
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(g) You may also request an order awarding support for minor children in your care, or for your support if the other party has a legal obligation to support you or your children.

You have the right to sue for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other out-of-pocket expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is under the amount determined by the court. Similar relief may also be available in tribal courts.

I. Determining self-defense.

Defending oneself is not a crime. A reasonably necessary level of force may be used to prevent imminent injury to oneself or to children or others in your care. There is no duty to retreat from one’s assailant, especially in one’s own home.

1. Signs of self defense:
   a. Defensive wounds
   b. Signs of strangulation (do not use “choking”)
   c. Scratches on suspect
   d. Bite marks on suspect's arms or chest
   e. Alleged use of “weapon” by the victim, such as a knife, frying pan etc.

2. While persons may use reasonable force and means to defend themselves from imminent injury, self-defense does not include seeking revenge, punishing the offender, or retaliation for past incidents removed substantially in time from the current incident.

J. Probable Cause and Arrest.

Oregon has a mandatory arrest law, applicable to domestic violence, restraining order violations, release order violations, and stalking order violations. It is the primary responding officer’s responsibility to decide whether an arrest should be made. The officer should emphasize to the victim and to the perpetrator that a criminal prosecution is an action by the state and is not the victim’s choice.

If probable cause has been established, an officer shall arrest the offender regardless of political, economic, social, age, gender, sexual preference, ethnic, or physically challenged status of either the victim or the offender.

ORS 133.055(2)(a) states the following:

"Notwithstanding the provisions of subsection (1) of this section, when a peace officer responds to an incident of domestic disturbance and has probable cause to believe that an assault has occurred between family or household members, as defined in ORS 107.705, or to believe that one such person has placed the other in fear of imminent serious physical injury, the officer shall arrest and take into custody the alleged assailant or potential assailant."
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 RESPONDING TO EMPLOYEE-RELATED DV CALLS
A. Supervisors and Employees Will Act Immediately When Notified
When notified of any domestic violence call/incident, whether inside or outside the city, involving an employee of the Sandy Police Department, the supervisor/employee receiving the information shall immediately notify his/her chain of command. In the event the information is about the Chief of Police, the supervisor/employee will notify the City Manager, Mayor and the Clackamas County District Attorney.

If a domestic violence call/incident rises to the level of criminal activity and occurred within the City of Sandy, a supervisor will be notified and respond to the call. A report shall be completed immediately by the supervisor receiving the information. This report must include details on dates, times, location, circumstances, names, officials notified, and actions taken.

When any employee of the Sandy Police Department receives a call that involves a Sandy Police Department employee and is criminal in nature but occurred within another jurisdiction, the other jurisdiction, if not already notified, will be notified by the Sandy Police Department Chief or his/her designee. The Sandy Police Department will advise the other agency of the location, people involved and any other pertinent information the other agency may need for their investigation. The Sandy Police Department will also request a copy of all reports generated from the incident.
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B. Initial DV Investigation Requires a Minimum of One Officer and a Supervisor

The Sandy Police Department will send a minimum of one officer and a supervisor, preferably of a higher rank than the involved officer, to investigate any officer involved domestic violence call within the City of Sandy regardless of the involved officer's jurisdiction. If a ranking supervisor is not available, the primary officer will immediately notify the on-call supervisor and/or the Chief of Police.

If the incident occurs in another jurisdiction and is an SPD employee involved domestic violence call, a supervisor, will respond to the scene. The supervisor will obtain as much information, concerning the incident and the officers without interfering with the other jurisdictions investigation and/or the officer/employee rights.

The Sandy Police Department will not condone interference by its employees and will ask the outside agency involved to contact the Chief's Office as soon as practical to report any interference.

Whenever an on-duty Sandy police officer is investigating the scene of a domestic violence incident which involves subjects who could cause the officer to experience emotional, political or career pressures such as City Council members, judges, or prominent citizens, the officer is to request a supervisor respond to the scene. Should the supervisor feel subjected to the pressures listed above, he/she should immediately call the Chief of Police for direction including, if necessary, having the Chief of Police respond to the scene. Upon completion of the preliminary investigation, the supervisor will ensure all required documentation is completed.

319.3.6 ON-SCENE SUPERVISOR RESPONSE

A supervisor shall respond to the scene of all domestic violence incidents within the City of Sandy involving any department employee, and any other law enforcement officer identified as a suspect or victim.

The supervisor will ensure that the victim's immediate safety needs are addressed.

The supervisor will ensure that any children located at the scene are safe and secure; to include transporting to another location deemed safe by the supervisor, if appropriate.

The supervisor will request that a detective respond to the scene when deemed necessary.

Because a domestic violence victim may recant the allegation of the incident, the supervisor/officers must perform a complete, thorough, preliminary investigation.

The supervisor shall ensure that photographs of the scene are taken when appropriate for evidentiary reasons.

The supervisor will ensure that a thorough and unbiased investigation is conducted and, where probable cause exists, the supervisor will make the arrest according to Oregon State Law. The supervisor will physically book the arrested employee.
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If probable cause exists to arrest the employee, the circumstances surrounding that decision shall be documented by the supervisor and forwarded to his/her chain of command.

Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service firearms, even if a member of another Department. If the firearms have not been used in the commission of a crime and they are not needed for evidentiary reasons, arrangements will be made to return the service firearm to the appropriate agency.

The supervisor will confiscate personal firearms if they were used in the commission of the crime, were in plain view, or if they were voluntarily relinquished by the involved officer or owner.

All administratively secured weapons will be placed in the Sandy Police Department evidence room. A firearm (department and/or personally owned) will only be released to the jurisdictional Chief of Police or his/her designee. If the arrested subject is a Chief of Police, the weapons will only be released to the Clackamas County Sheriff.

If an officer of the Sandy Police Department is arrested, the on-scene supervisor will impose an emergency suspension on the involved officer and confiscate the officer’s service firearm, badge, commission card, keys, phone and assigned vehicle. The supervisor will inform the employee of the reasons for the action and order the employee to report to the Chief of Police at 1000 hours, on the next regular office day or as otherwise advised by higher authority.

The Supervisor will ensure that all reports are forwarded through the chain of command to the Chief of Police.

If a Sandy Police Department employee is arrested or there is probable cause for an arrest but the employee has left the scene, the supervisor will notify the Chief of Police.

If a Law Enforcement Officer other then a Sandy Police Department employee is arrested and/or there is probable cause for an arrest and the officer has left the scene, the supervisor will notify the involved officer’s department.

If the arrested officer is the Chief of Police, the supervisor will notify the City Manager, the Mayor and the Clackamas County District Attorney.

The Supervisor will debrief all involved officers and inform them that confidentiality is of the utmost importance to the investigation as well as the safety of the victim and will prohibit all officers from discussing the incident and/or the whereabouts of the victim except as official police business.

319.3.7 RESPONDING OFFICER DUTIES
Responding officers shall perform at a minimum the following actions upon their arrival:

- Obtain medical attention if needed
- Secure the scene
- Address the immediate and future safety of the victim(s)
- Notify a supervisor
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- Perform an unbiased investigation under the guidance of the responding supervisor and in accordance with applicable laws.
- Attempt to locate the accused employee if he/she has left the scene

319.3.8 INTERNAL AFFAIRS INVESTIGATION
At the direction of the Chief of Police a detective or other designee may be assigned to initiate an internal investigation. This investigation will be conducted in coordination with the Clackamas County DA's Office. An outside agency may also be used to conduct the Internal Affairs investigation. Questioning of the employee will not be done without the approval of the criminal investigator. The criminal investigation will take precedence. All investigations should be conducted in accordance with the employee's labor contract and constitutional rights.

319.3.9 DEPARTMENT WILL REFER EMPLOYEES TO STATE QUALIFIED PROFESSIONALS
The Sandy Police Department will respond to all requests for assistance (whether from the employee or those concerned with the well-being of the employee, themselves, or the employee's children or spouse) by referring them to a list of non-punitive, confidential domestic violence state certified professionals for assistance.

Department employees are encouraged and entitled to seek assistance through employee assistance programs and similar counseling functions in an effort to prevent a problem from escalating to the level of criminal conduct against an intimate partner or family member.

The Department shall publish and promote the procedure for seeking confidential internal and external referrals to all officers seeking help in the area of domestic violence.

319.3.10 EMPLOYEE DISCLOSURE OF DOMESTIC VIOLENCE PARTICIPATION NOT ENTITLED TO CONFIDENTIALITY
Any on-duty or off-duty Sandy Police Department employee who discloses to any employee of the Sandy Police Department that they have committed domestic violence against a significant other are not entitled to confidentiality; reporting is MANDATORY. The disclosure will initially be reviewed and, if required, investigated administratively and/or criminally.

The Sandy Police Department Chaplains will not have clergy privileges in any incident where a Sandy Police Department employee has committed a crime to include domestic violence.

Sandy Police peer group counselors will not have "privileged" communications concerning the disclosure of a crime by a Sandy Police employee, including domestic violence.

The Department will not condone any employee concealing or interfering with domestic violence cases brought against fellow employees.

If a Sandy Police Department Employee is served with an "order for protection" and/or a domestic violence/stalking order, they are required to notify a Sandy Police Department supervisor immediately.
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.

(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 Investigation Section 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. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation 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.
(d) The officer may offer the victim an Emergency Protective Order. Procedures for obtaining an emergency protective order are attached to this manual.

(e) An evaluation of the situation should be made to determine if the Lethality Assessment Program criteria apply. Those criteria include (but are not limited to):
   - There is a reason to believe that an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest;
   - There is a belief or sense on the part of the first responder that once the victim is no longer in the care or presence of the first responder the potential for assault or danger is high;
   - Repeat calls for service; or
   - The first responder believes one should be conducted.

NOTE: Officers are referred to the Lethality Assessment Program for First Responders (2009 edition) for reference. This manual can be found in our training room library. The appropriate form is attached to this manual.

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:
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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.

(f) Make a copy of all documents served to the suspect, including the Proof of Service. Attach a copy of the documents to your report. This will provide proof not only of the service, but exactly what documents were served to the suspect.

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 cannot 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 detective or investigation unit 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 (2015 Oregon Laws, c.252, § 1).

319.5.1 PHOTOGRAPHS OF INJURIES
All visible injuries should be photographed regardless of severity. All victims shall receive proper medical care if needed or desired prior to being photographed.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the Sandy Police Department on-duty officer, in the event they become visible. An officer may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

Photographs of both the suspect and victim will be taken regardless if injuries are present or alleged. Photographs showing no injuries, eliminates a "self defense" claim by the suspect, later in court. These photographs can help prove that injuries did not happen at the time of the reported incident.

319.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.
Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

319.6.1 WRITTEN NOTICE TO VICTIMS
Officers must, as soon as reasonably possible, provide each person who has been a victim of domestic violence with a copy of the department Domestic Violence Information Pamphlet 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.

319.8 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:

(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.
Domestic Violence

319.8.1 SERVICE OF COURT ORDERS
Officers should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any officer serving such a restraining order shall ensure that a copy of proof of service is returned to the Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

319.8.2 RETURN OF FIREARMS
Weapons taken into custody for safekeeping under §320.8 will be returned to the lawful owner upon request unless the seizing officer or supervisor 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).

319.8.3 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 (2015 Oregon Laws, c.252, § 1).

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 (2015 Oregon Laws, c.252, § 1).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (2015 Oregon Laws, c.252, § 1).
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 Sandy Police Department personnel to consider when dealing with search and seizure issues.

321.2 POLICY
It is the policy of the Sandy 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.

In accordance with the Training Policy, 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.
Search and Seizure

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.
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 Sandy Police Department (42 USC § 5633).

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 when conditions or surroundings reasonably appear to jeopardize the juvenile’s welfare or when it reasonably appears that the child has run away from home (ORS 419B.150). 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 custody employee 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.

(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.
Temporary Custody of Juveniles

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

**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 Sandy 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 Sandy 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 Sandy 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 Sandy Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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 Sandy 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 Sandy Police Department without authorization of the arresting officer's supervisor or the Patrol Sergeant.
Temporary Custody of Juveniles

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 Sandy 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 Sandy Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

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 (42 USC § 5633).

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).

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 Sandy 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
Temporary Custody of Juveniles

prepare a written report 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.

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 Sandy 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 (42 USC § 5633). 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 Sandy Police Department 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 Sandy 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 Sandy Police Department more than four hours. This will enable the Patrol Sergeant to ensure no juvenile is held at the Sandy 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.
Temporary Custody of Juveniles

(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.

(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 Sandy 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 Sandy 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 Sandy 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.

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, no less than every 15 minutes, shall occur.

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.
Temporary Custody of Juveniles

(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 Sandy Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Investigation Section 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.

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).
Temporary Custody of Juveniles

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in Records Maintenance and Release Policy.
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 Sandy 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 Sandy 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 Sandy Police Department shall notify the Department of Human Services (DHS) when there is reasonable cause to believe that an elderly adult (age 65 years or older), dependent adult or resident of a long-term care facility with whom the member comes in contact has suffered abuse, or when a person with whom the member comes in contact has abused an elderly adult, dependent adult or resident of a long-term care facility (ORS 124.060; ORS 430.743; ORS 441.640).

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.

Dependent adult means a person 18 years or older with (ORS 430.735):
(a) A developmental disability who is currently receiving services from a community program or facility or was previously determined eligible to receive such services as an adult.
(b) A mental illness who is receiving services from a community program or facility.

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) Present all cases of alleged adult abuse to the prosecutor for review.
(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.
(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.
Adult Abuse

- 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 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 which 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.
   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.
Adult Abuse

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 Investigation Section 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 Investigation Section 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 Investigation Section supervisor so an interagency response can begin.

325.10 STATE MANDATES AND OTHER RELEVANT LAWS
Oregon requires or permits the following:

325.10.1 RECORDS SECTION RESPONSIBILITIES
The Records Section 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.
Discriminatory Harassment

328.1 PURPOSE AND SCOPE
This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY
The Sandy 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 members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive, corrective and disciplinary action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination 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.

328.3 DISCRIMINATION PROHIBITED

328.3.1 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 race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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, 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 department policy and to the department commitment to a discrimination free work environment.

328.3.2 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.
Discriminatory Harassment

328.3.3 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 a member improve his/her 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 the member.

328.3.4 RETALIATION
Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

328.4 RESPONSIBILITIES
This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement 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 his/her 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, Personnel Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, 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 resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure their subordinates understand their responsibilities under this policy.
Discriminatory Harassment

(d) Ensure 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) Notify the Chief of Police or Personnel Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

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.

328.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members 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 or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION
Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not solve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.
Discriminatory Harassment

328.5.2 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 any investigation (ORS 659A.199).

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be 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, Personnel Manager or the City Manager.

328.5.3 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 or discriminated 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.

328.6 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

328.7 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police or the City Manager or the Personnel Manager if more appropriate.
- Maintained for the period established in the department’s records retention schedule.

328.8 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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.
Discriminatory Harassment

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.

328.8.1 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Personnel Manager or the City Manager for further information, direction or clarification.
Child Abuse

330.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Sandy Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

330.1.1 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).

330.2 POLICY
The Sandy Police Department will investigate all reported incidents of alleged criminal child abuse and ensure that DHS is notified as required by law.

330.3 MANDATORY NOTIFICATION
Members of the Sandy 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, 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).

330.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (OAR 413-015-0305):

(a) Verbal notification to DHS shall be made immediately 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:
   1. The name and contact information of the confidential reporter.
**Child Abuse**

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 (ORS 419B.020).

**330.4 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).

**330.5 INVESTIGATIONS AND REPORTING**
In all reported or suspected cases of child abuse, a report will be written. Officers 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:
Child Abuse

(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).

330.5.1 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 caused 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.

330.5.2 INVESTIGATIONS ON PUBLIC SCHOOL PREMISES
When an investigation of child abuse is conducted on public school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator
is a subject of 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 (ORS 419B.045).

330.6 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 the child’s condition or surroundings reasonably appear to jeopardize the child’s welfare.
(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.

330.6.1 NOTICE TO PARENTS
When an officer takes a child into protective custody, if possible, the officer shall:

(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).

330.6.2 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 Sandy Police Department shall follow the provisions set forth in ORS 418.017.

330.7 INTERVIEWS

330.7.1 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.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily 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) Existent 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.

330.8 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.

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.

330.8.1 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).

330.9 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.

330.9.1 SUPERVISOR RESPONSIBILITIES
The Investigation Section 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 Investigation Section 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.

330.9.2 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 Investigation Section Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS
Oregon requires or permits the following:

330.10.1 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).

330.10.2 COUNTY MULTIDISCIPLINARY CHILD ABUSE TEAM AND PROTOCOL
The Investigation Section 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).
330.10.3 CHILD FATALITY REVIEW TEAMS
This department should cooperate with any child fatality review team and investigation (ORS 418.785).

330.11 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.
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 (2014 Oregon Laws c. 24 § 2).
  10. A victim of first- or second-degree custodial interference or kidnapping (2015 Oregon Laws c. 134 § 1).

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.
331.2 POLICY
The Sandy Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Sandy Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS
The Investigation Section 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
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

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.
   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**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

**331.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.
   1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.
(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

331.6.2 RECORDS SECTION RESPONSIBILITIES
The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigation Section.

(e) Coordinating with the NCIC Terminal Contractor for Oregon to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

331.7 INVESTIGATION SECTION FOLLOW-UP
In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the juvenile’s student file, along with the investigator’s contact information, if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Shall, if the person has not been located within 30 days, ensure that a biological sample, if available, is forwarded to the Oregon State Police (ORS 146.187).

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update the Oregon LEDS, the Oregon State Police Missing Children Clearinghouse, NCIC and any other applicable missing person networks within 30 days of
the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).

(h) Should make appropriate inquiry with the Medical Examiner.

(i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to Oregon State Police and enter the photograph into applicable missing person networks (42 USC § 5780).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(l) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

331.8 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the Oregon State Police.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the Oregon State Police.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

(f) All information and materials obtained for the purpose of identifying the missing person are destroyed if the person is found, or sealed if the person is found to be no longer living (ORS 146.189(2)).
331.8.1 UNIDENTIFIED PERSONS
Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.
(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.
(c) Use available resources, such as those related to missing persons, to identify the person.

331.9 CASE CLOSURE
The Investigation Section Supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
(b) If the missing person is a resident of Sandy or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

331.10 TRAINING
Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:
   1. Assessments and interviews
   2. Use of current resources, such as Mobile Audio Video (MAV)
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage
(b) Briefing of department members at the scene.
(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
Missing Persons

(d) Verifying the accuracy of all descriptive information.
(e) Initiating a neighborhood investigation.
(f) Investigating any relevant recent family dynamics.
(g) Addressing conflicting information.
(h) Key investigative and coordination steps.
(i) Managing a missing person case.
(j) Additional resources and specialized services.
(k) Update procedures for case information and descriptions.
(l) Preserving scenes.
(m) Internet and technology issues (e.g., Internet use, cell phone use).
(n) Media relations.
(o) Interacting with individuals with cognitive impairment, including dementia, intellectual and developmental disabilities, and brain injuries (2014 Oregon Laws c. 24 § 2).
Public Alerts

334.1 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.

334.2 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.

334.3 RESPONSIBILITIES
334.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Sandy Police Department should notify their supervisor, Patrol Sergeant or Investigation Section 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.

334.3.2 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 Sergeant 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 Sergeant

334.4 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.

334.4.1 CRITERIA
All of the following criteria must exist before an AMBER Alert will be issued:
(a) There is confirmation that a child abduction has occurred.
Public Alerts

(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.

334.4.2 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 Investigations 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 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.
Public Alerts

(c) The Records Section 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.
Victim Witness Assistance Program

336.1 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.

336.2 POLICY
The Sandy Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Sandy 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.

336.3 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 Sandy 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.

336.4 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.

336.5 VICTIM INFORMATION
The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.
(b) Community resources for victims of sexual assault.
(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).
(d) 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.
(e) A clear explanation of relevant court orders and how they can be obtained.
(f) Information regarding available compensation for qualifying victims of crime.
Victim Witness Assistance Program

(g) 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.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number and any applicable case or incident number.

(k) A statement of legal rights and remedies available to victims of abuse, as required by ORS 133.055.

(l) Information about the Address Confidentiality Program. This program is from the Oregon Department of Justice, Crime Victims' Services Division for victims of domestic violence, sexual offenses, stalking or human trafficking (ORS 192.826).

336.6 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.
Hate Crimes

338.1 PURPOSE AND SCOPE
This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS
Hate Crimes - consist of any act of intimidation, harassment, physical force or threat of physical force directed against any person, group, family, community organization or property motivated in whole or in part by hostility toward real or perceived race, ethnic background, national origin, religious belief, gender, age, disability, sexual orientation or political affiliation with the intent of causing fear, injury, intimidation or to deter the free exercise and enjoyment of any right secured by the Constitution or the law.

338.3 CRIMINAL STATUTES
(a) Harassment (ORS 166.065)
(b) Intimidation in the Second Degree (ORS 166.155)
(c) Intimidation in the First Degree (ORS 166.165)
(d) Menacing (ORS 163.190)
(e) Any degree of Assault (ORS 163.160 to ORS 163.185)
(f) Recklessly Endangering (ORS 163.195)
(g) Hazing (ORS 163.197)
(h) Unlawful use of a stun gun, tear gas or mace (ORS 163.212 and ORS 163.213)
(i) Kidnapping (ORS 163.215 to ORS 163.235)
(j) Coercion (ORS 163.275)
(k) Any sex offense (ORS 163.355 to ORS 163.427)
(l) Stalking (ORS 163.732)
(m) Any degree of Robbery (ORS 164.395 to ORS 164.415)
Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on circumstances (18 USC § 245).
338.4 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES
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 among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks

(b) Providing victim assistance and follow-up as outlined below, including community follow-up

338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES
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) Officer(s) will be promptly assigned to 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 practical

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations

(h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further

338.5.1 INVESTIGATION SECTION RESPONSIBILITY
If a case is assigned to the Investigation Section, the assigned detective will be responsible for following up on the reported hate crime as follows:
Hate Crimes

(a) Coordinate further investigation with the District Attorney and other law enforcement agencies, as appropriate

(b) Maintain contact with the victim(s) and other involved individuals as needed

(c) Maintain statistical data on suspected hate crimes and tracking as indicated

338.6 TRAINING
All members of this Department will receive periodic Department of Public Safety Standards and Training approved training on hate crime recognition and investigation.
Standards of Conduct

339.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the Sandy 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 Sandy 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.
Standards of Conduct

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. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

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.
Standards of Conduct

339.5.2 ETHICS
(a) Using or disclosing one’s status as a member of the Sandy 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
Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification 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.

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 place of assignment at 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 Sandy Police Department badge, uniform, identification card or 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.

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, contact telephone numbers or marital status.

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.
Standards of Conduct

(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.
   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.
Standards of Conduct

(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.

(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-- 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.
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 Sandy 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 Sandy 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.
Employees may not be asked for or required to provide their username, password or other means of authentication that provides access to their personal social media accounts unless otherwise allowed under ORS 659A.330.

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.

341.4.1 SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

341.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.
341.4.3  INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail and data files.

341.4.4  OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

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  INSPECTION OR REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department.
**Information Technology Use**

involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.
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.

If a report is to be held until the next duty shift, the employee should, at a minimum enter the case number, a brief event synopsis and other information that may be needed by others responding to request for information (records, supervisors and follow up officers etc.) until the report can be completed.

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
   2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes.

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
(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.

343.3 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 USE OF OTHER HANDWRITTEN FORMS
Forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

343.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should electronically reject the report and add a note stating the reasons for rejection. The original report will 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 and returned by the electronic return dated indicated on the return notice.

343.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted (electronically) to the Records Section 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 Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.
343.6 ELECTRONIC SIGNATURES
The Sandy Police Department has established an electronic signature procedure for use by all employees of the Sandy Police Department. The Patrol Sergeant shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.

- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.
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, Sergeants, 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 department media representative, 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 designated department media representative.

(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 should 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 be coordinated through the department Public Information Officer or other designated spokesperson.
Media Relations

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 Patrol Sergeant. 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 should 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.

A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

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 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.

345.3.2 TEMPORARY FLIGHT RESTRICTIONS
Whenever the presence of media or other aircraft pose 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 a TFR should be routed through the Patrol Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It 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). All requests for TFR should be routed through the Patrol Sergeant.
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 Patrol Sergeant. 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 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.

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 Patrol Sergeant. Such requests will generally be processed in accordance with the provisions of this policy.

345.4.1 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 (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.
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 Sandy Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.2 POLICY
Sandy 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.
(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 Sandy Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Sandy 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:

(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.
Reserve Officers

349.1 PURPOSE AND SCOPE
The Sandy 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 AND APPOINTMENT OF POLICE RESERVE OFFICERS
The Sandy 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.

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
Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. 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 Personnel Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

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 Section. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.
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. If at anytime a policy or policies are confusing or conflicting the reserve officers will contact a supervisor for clarification.

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 the following:
(a) Assignment of reserve personnel.
(b) Conducting reserve meetings.
(c) Establishing and maintaining a reserve call-out roster.
(d) Maintaining and ensuring performance evaluations are completed.
(e) Monitoring individual reserve officer performance.
(f) Monitoring overall Reserve Program.
(g) Maintaining liaison with other agency Reserve Coordinators.

349.3.4 RESERVE CORRIDANTOR RESPONSIBILITIES
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall be a regularly employed patrol officer or Sergeant. The Reserve Coordinator shall have the responsibility of, but not limited to the following:
a. Monitoring individual reserve officer performance.
b. Monitoring overall Reserve Program.
c. Maintaining liaison with other agency Reserve Coordinators.
d. Keep the Chief of Police advised as to the needs, concerns and overall welfare of the reserve program.
349.4 FIELD TRAINING

The field training program shall consist of the completion of five training phases to be completed under the supervision of a Primary Training Officer, with the assistance of other training 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 Policy Manual § 350.4.3.

349.4.1 FIELD TRAINING MANUAL

There are four reserve officer ranks; Recruit Officer, Student Reserve, Patrol Reserve and Solo Reserve. There are five phases of training not counting the orientation and training required while holding the rank of Recruit Officer.

**Recruit Officer** - The recruit officer must attend an orientation meeting. At that meeting the recruit will be given initial paperwork including an Orientation Check Off List. A recruit officer WILL NOT be allowed to take any police action, unless directed to by the training officer or a supervisor. Recruit Officers are not allowed to be armed at any time while on duty. Recruit Officers will wear only uniforms provided by the department. They will indicated that the reserve is a RECRUIT and not an officer or a police officer. Identification will specify this individual as a Recruit Officer. Recruit Officers are expected to attend mandatory monthly meetings (unless excused). They are expected to participate in a minimum of 20 hours of ride-along or other training. Meetings or business portions of the reserve meetings do not count toward the 20 hours. All new reserve officers must remain in Recruit Officer status until successful graduation of a Reserve Law Enforcement Academy or an equivalent.

**Student Reserve** - After graduation from an approved reserve academy or an equivalent, the recruit officer moves into Student Reserve status. The Student Reserve officer may now wear a full police uniform, carry a weapon and act as a second officer to a regular or full time officer. Student Reserve Officers will only take police action as designated by their training officer, unless an emergent situation dictates otherwise. This rank is under the strict supervision of his or her Field Training Officer (FTO). Student Reserve Officers are expected to participate in a minimum of 20 hours of ride-alongs or other training. Meetings or business portions of the reserve meetings do not count toward the 20 hours. Student Reserve Officers will remain at this rank until completing three specific phases of training.

- **Phase One** - 160 hours with a primary FTO
- **Phase Two** - 100 hours working with an officer designated by the patrol sergeant
- **Phase Three** - 40 hours with Primary FTO (re-evaluation)

**Patrol Reserve** - After successful completion of the Student Reserve Officer training, the reserve officers is now promoted to the rank of Patrol Reserve Officer. Patrol Reserve Officers are expected to participate in a minimum of 20 hours of ride-alongs or other training. Meetings or business portions of the reserve meetings do not count toward the 20 hours. Reserve Officers will remain at this rank until completing:

- **Phase Four** - 200 hours with any officer and completion of the FTO/FTEP Book
Reserve Officers

Patrol Reserves do NOT have to advance beyond this rank unless they desire to do so. A Patrol Reserve work as a partner officer and has full police powers while on-duty. Patrol Reserve Officers may take police action with little to no supervision.

**Solo Reserve** - Those reserve officers interested in obtaining solo patrol status must complete all ranks and phases listed above. Their FTEP books must be complete and they must have the recommendation of the Reserve Sergeant, Reserve Coordinator and the Training Sergeant.

**Phase Five** - 80 hours of final evaluation by FTO's as assigned.

Upon successful completion of the 80 hour evaluation phase the Reserve Coordinator will compile a packet that consists of the recommendations, the completed FTEP manual and all past Daily Observation Reports. This package will then be presented to the Chief of Police for review and approval. Once approved, the reserve officer will receive a "Solo Reserve Officer" certificate. Solo Reserve Officers are are expected to participate in a minimum of 20 hours of ride-alongs or other training. Meetings or business portions of the reserve meetings do not count toward the 20 hours.

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 Sandy Police Department. Each section of the manual must be signed-off by both the Primary Training Officer and any other officer observing the performance. The completed manual will be submitted to the department Training Sergeant 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.

349.5 **SUPERVISION OF RESERVE OFFICERS**

Reserve officer should be under the immediate supervision of a regular sworn officer. Reserve Officers attaining the rank of Solo Reserve Officer, may work without immediate supervision, however they should have access either by radio or phone or in person to a full time officer, supervisor, or the Chief of Police.

349.5.1 **SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Reserve Patrol Officers may, with prior authorization of the Reserve Coordinator and on approval of the Sergeant, be relieved of the "immediate supervision" requirement. Reserve Patrol Officers may function under this authorization only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Sergeant, the Chief of Police may assign a certified Reserve Patrol officer to function as above for specific purposes and duration.

For the purposes of this section, authorization to work without direct supervision of a regular officer means that the reserve officer does not need to be in close physical proximity, however they will be required to have the immediate ability to contact a regular officer by radio or cell phone.
349.5.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

349.5.3 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that 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.

349.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

349.5.5 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 Sergeant.

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.

349.5.6 RESERVE OFFICER EVALUATIONS
While in training reserve officers will be continuously evaluated using standardized daily and weekly observation reports. The reserve 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 officer have peace officer powers ONLY 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 required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify at least every other month
(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
(c) Should a reserve officer fail to qualify over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

349.8 NO OFF DUTY ACTION
Reserve Recruits, Officers and Patrol Officers are prohibited from taking any off duty police action. When not working in an official reserve capacity they have the same rights and responsibilities as any other citizen in regards to personal conduct.
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 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.

351.3 POLICY
It is the policy of the Sandy 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.

351.4 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.

351.4.1 INITIATED ACTIVITY
Any on-duty officer who engages in law enforcement activities of any type (other than routine traffic stops) that are not part of a mutual aid request and take place outside the jurisdiction of the Sandy Police Department shall notify his/her supervisor or the Patrol Sergeant as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.
351.5 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.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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 Administration Sergeant 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 the Dispatch Center and the Patrol Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.
Registered Offender Information

355.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Sandy 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 Sandy 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 Records Supervisor 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. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Records 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 181.806):
(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 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.
Any discrepancies should be reported to Oregon State Police.

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 Sandy Police Department’s website.

The Records Manager shall release local registered offender information to residents in accordance with state law and in compliance with Oregon Public Records Law requests (ORS 181.835; ORS 181.837; ORS 192.410 to ORS 192.505).

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 this website 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.
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 Sandy 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 Sergeant. 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
- Crimes involving children as either victims or suspects and that have resulted in serious injury or criminal charges

or crimes/events that involve school district employees, or occur on school grounds

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.
Major Incident Notification

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 Sergeant and the Detective Lieutenant if that section is affected.

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 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.
Death Investigation

360.1 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.

360.2 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.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

360.2.1 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

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 or Deputy Medical Examiner, and the District Attorney.

A Medical Examiner, Deputy Medical Examiner, or District Attorney, in conjunction with the Sandy 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.

The members of the Sandy Police Department will work cooperatively with both the Medical Examiner's Office and the District Attorney in all death investigations.
Death Investigation

360.2.2 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.

360.2.3 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.

360.2.4 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.

360.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE OR SUSPICIOUS DEATH
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, a supervisor should be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.
Identity Theft

362.1 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.

362.2 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.
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).

In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person’s escape.

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.
Private Persons Arrests

(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.

363.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person’s Arrest form.

In addition to the Private Person’s Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Limited English Proficiency Services

368.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 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 Sandy 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).

368.2 POLICY
It is the policy of the Sandy 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.

368.3 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 Sergeant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:
Limited English Proficiency Services

(a) Coordinating and implementing all aspects of the Sandy 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 Communications Manager. 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.

368.4 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:
Limited English Proficiency Services

(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.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE
Sandy 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.

368.6 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.

368.7 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.

368.7.1 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.
Limited English Proficiency Services

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.

368.8 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.

368.8.1 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.

368.8.2 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.
Limited English Proficiency Services

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.

368.9 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.

368.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The Sandy Police Department will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.10.1 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 the Dispatch Center, 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.

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.

368.11 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.

368.12 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.
368.13 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.

368.13.1 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).

368.14 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.

368.15 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.

368.16 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.
368.17 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 Sergeant 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 Sergeant 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.

368.17.1 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 Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
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 Sandy 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 Sergeant 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 Sandy Police Department’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.
Communications with Persons with Disabilities

(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 Communications Manager. 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.

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.
Communications with Persons with Disabilities

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 Sandy 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

Sandy 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.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.
Communications with Persons with Disabilities

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).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.
Communications with Persons with Disabilities

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.

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.
Communications with Persons with Disabilities

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 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.
Communications with Persons with Disabilities

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 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).

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.

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.
Communications with Persons with Disabilities

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 Sergeant 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 Sergeant 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.
Stalking

376.1 PURPOSE AND SCOPE
This policy establishes procedures for the investigation and enforcement of stalking complaints (Oregon Revised Statutes 163.730 to 163.755).

376.1.1 POLICY
Stalking behavior frequently results in serious injury and emotional trauma to victims and it is the policy of the Sandy 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.

376.2 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 will review and sign the form and complete a thorough investigation. All stalking incident reports shall be forwarded to the District Attorney's Office, regardless of whether any civil or criminal action was taken, within three days (ORS 163.738(7)).

376.3 UNIFORM STALKING CITATION
The bottom half of the Uniform Stalking Complaint is a Uniform Stalking Citation. The citation is a civil summons for the respondent to appear at a hearing to determine if a Stalking Protective Order will be issued against the respondent. Officers will complete and attempt to serve a Uniform Stalking Citation, with a court date set for three judicial days (business days excluding holidays) from the date the citation was served, on the respondent in every case where:

(a) The officer has received a completed Uniform Stalking Complaint, and
(b) The officer has probable cause to believe that the elements of Oregon Revised Statutes 163.732(1), (Stalking) have occurred.

376.3.1 SERVICE OF STALKING CITATIONS
(a) If the citation is served, the officer is required to advise the respondent of the court date and time and location of appearance. Officers should advise the respondent of the following:

1. Engaging in behavior that alarms or coerces the petitioner may result in their arrest; and
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; and
**Stalking**

3. If they fail to appear at the hearing a warrant will be issued for their arrest, as well as a Stalking Protective Order.

(b) If a Uniform Stalking Citation is issued, attach the top three copies to the case report. Provide the pink copy to the petitioner (pink) and goldenrod copy to the respondent.

(c) If there is probable cause to issue a citation, but the citation is not served, officers should document attempts to serve the respondent.

(d) If the citation is served on the respondent, the DA's office will initiate the hearing process.

1. A private attorney
2. Legal Aid
3. The District Attorney's office Victim's Assistance Unit

(e) If the citation is served on the respondent, the petitioner should be advised that they must also appear at the hearing or the complaint will be dismissed and the Stalking Protective Order will not be issued.

**376.4 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.

**376.4.1 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 ([Oregon Revised Statutes](https://leg.state.or.us/bclis/html西亚163.750.html) 163.750).

**376.5 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.
Chaplains

377.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Sandy 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 Sandy 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 are 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 Sandy 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.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

377.4.1 RECRUITMENT
Chaplains should be recruited on a continuous and ongoing basis 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. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

377.4.2 SELECTION AND APPOINTMENT
Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:
Chaplains

(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.
(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. Uniforms and necessary safety equipment 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 Sandy Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Sandy 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.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

377.6 CHAPLAIN COORDINATOR
The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Sergeant or the authorized designee.

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 Patrol Sergeant.

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 are not limited to:
(a) Recruiting, selecting and training qualified chaplains.
(b) Conducting chaplain meetings.
Chaplains

(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 and disseminating, as appropriate, all necessary paperwork and information.
(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 Section. 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 chaplain coordinator or the authorized designee.

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 Sandy 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 be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
(b) Generally, each chaplain will serve with Sandy Police Department personnel a minimum of eight hours per month.
(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.
(d) Chaplains shall be permitted to ride with officers during any shift and observe Sandy Police Department operations, provided the Patrol Sergeant has been notified and has approved the activity.
(e) Chaplains shall not be evaluators of members of the Department.
Chaplains

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) 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.

(h) Chaplains shall serve only within the jurisdiction of the Sandy Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that 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 Patrol Sergeant 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.
(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

377.7.6 CHAPLAIN MEETINGS
All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

377.8 PRIVILEGED COMMUNICATIONS
No person who provides chaplain services to members of the Department may work or volunteer for the Sandy 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 Sandy Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

377.9 TRAINING
The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
Chaplains

- Suicide
- Officer injury or death
- Sensitivity and diversity
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.

379.2 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 Sandy 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.

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.

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.
379.3.1 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 children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults 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 or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services, if appropriate.

(d) Notify the field supervisor or Patrol Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another 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 caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

379.3.2 DURING THE BOOKING PROCESS
During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.
379.3.3 REPORTING
(a) For all arrests where children are present or living in the household, the reporting member will document the following information:
   1. Name
   2. Sex
   3. Age
   4. How, where and with whom or which agency the child was placed
(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
   1. Name
   2. Sex
   3. Age
   4. Whether he/she reasonably appears able to care for him/herself
   5. Disposition or placement information if he/she is unable to care for him/herself

379.3.4 SUPPORT AND COUNSELING REFERRAL
If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

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 consider contacting 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.

379.5 TRAINING
The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.
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 Sandy 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.
Service Animals

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 Sandy 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.
Public Safety Camera System

384.1 PURPOSE AND SCOPE
The City of Sandy operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured images.

384.2 POLICY
Cameras are strategically placed throughout the City at the direction or with the approval of the Chief of Police for the purpose of assisting the Sandy Police Department to detect and deter crime, to safeguard against potential threats to Homeland Security, to manage emergency response situations to natural and man-made disasters, and to assist other City officials to aid in the enhancement of services provided to the community.

Public safety cameras are a crime prevention tool and can assist with scene reconstruction and evidence gathering. Public safety cameras are also a key resource to assist in securing vulnerable sites by providing real time monitoring and early detection of unusual or criminal activity allowing for a more efficient and timely response by law enforcement and emergency response personnel.

The cameras only record images and do not record sound. Recordings may be used for a variety of purposes including criminal investigations and monitoring of activity. In addition, the public safety camera system helps to provide the following benefits:

(a) Assists in identifying, apprehending and prosecuting offenders.
(b) Assists in gathering evidence for criminal and civil court actions.
(c) Assists emergency services personnel maintain good public order.
(d) Assists in monitoring pedestrian and vehicle traffic activity.
(e) Helps improve the general environment on the public streets.
(f) Assists in providing effective public services.

384.3 PROCEDURE
The following procedures have been established for the effective operation of the public safety camera system.

384.3.1 MONITORING
Video images from the cameras are transmitted to monitors installed in the Patrol Sergeant's Office and the Dispatch Center. When activity warranting further investigation is reported or detected at any camera location the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Patrol Sergeant or the Dispatch Center personnel are authorized to adjust the cameras in such a manner as to most effectively view a particular area for any legitimate public safety purpose.
Public Safety Camera System

The video feed from cameras may be accessed by other City employees for official business only. A request must be made to, and approved by, the Chief of Police in order for video feed to be set up at a location other than the Dispatch Center.

384.3.2 TRAINING
Personnel involved in video monitoring will be appropriately trained and supervised.

384.3.3 PROHIBITED ACTIVITY
Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, or to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to protect these privacy rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

384.3.4 CAMERA MARKINGS
Cameras used as a part of the public safety system that are not being used for covert operations or confidential investigations will be marked in a conspicuous manner to inform the public that the area is under video surveillance.

384.4 MEDIA STORAGE
All media will be stored in a secure area with access restricted to authorized persons only. The system will store the images from every camera which are recorded throughout the twenty-four hour period of every day of the week. All of the images from every recording device for a particular 24-hour period, beginning at 12:00 a.m. and ending at 11:59:59 p.m. will be referred to as the "Daily Recording".

The Daily Recording will be stored for a period of not less than 30 days and thereafter may be erased if not otherwise required for any related investigation, claim or other official need (Oregon Administrative Rules 166-200-0100 (68)). The system will be configured to automatically purge and write over any Daily Recordings more than 60 days old.

384.5 RETRIEVAL OF RECORDED INFORMATION
Authorization to research and retrieve recorded information is restricted to the Chief of Police or his/her designee. These individuals will be authorized to provide video images for investigative purposes to an Sandy Police Department employee who has completed a video request form in accordance with chain of custody procedures established by the Sandy Police Department.

384.5.1 PUBLIC AND OTHER AGENCY REQUESTS
Requests for recorded video images from other governmental agencies or through the submission of a court order or subpoena will be promptly submitted to the City Attorney. Upon the receipt of any such request, it will also be promptly submitted to the Communications Manager who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been finally processed by the City Attorney's office.
Public Safety Camera System

Public and media requests for video images captured by public safety cameras will be made available only to the extent required by law. As provided by Oregon public records law, video footage that is evidence in an ongoing police investigation will generally not be disclosed to the public where a disposition has not been reached, absent such disclosure being compelled by a court or other governmental entity of competent jurisdiction.

384.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM
The Chief of Police or his/her designee will conduct an annual review the agency's use of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of their purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.
Law Enforcement Building Security

385.1 PURPOSE AND SCOPE
Although the Law Enforcement Building is a public building, it is also the command center for the City's law enforcement activities and special precautions must be taken to maintain its security. It is the policy of the Sandy Police Department that public access to the building will be restricted to protect police operations and personnel.

385.1.1 PUBLIC AND RESTRICTED AREAS
**Public Areas include:**
1. The downstairs lobby in the southwest corner of the building
2. The main waiting area outside of the Records area.
3. The interview room located adjacent to the Records area waiting room.

Public entryways generally will be open from 8:00am until 6:00pm weekdays, but closed in the evening and on weekends and holidays. From time to time the building will be closed during business hours to accommodate for staff meetings, training and lunch.

After hours there is a direct line/intercom to the Clackamas County Dispatch Center.

**Restricted Areas include:**
Any areas that the public does not have unescorted access to. Access is controlled by card access or directly through personal permission. All areas not designated as public areas are considered restricted and restricted area identification and access controls are in effect.

385.1.2 FACILITY ACCESS

**Non-public Entrances**
The non-public entrances to the Police Department shall remain locked at all times.

**Number Pad Door Code:**
The Chief or his/her designee, will approve which individuals will be provided with the numbered door codes to the non-public entrances to the building. As needed and initiated by the Chief of Police or his/her designee, the building codes will be periodically changed.

**Restricted Area ID Access Cards:**
The building is equipped with proximity locks that allow access to the building through an ID Access Card. The Chief or his/her designate has the final authority on the issuance of the ID Access Cards to individuals. Information on the restricted area ID Access Card will contain of the following’

- Photograph of the employee
- Name
- Position Title
385.1.3 WEAPONS IN THE SANDY POLICE DEPARTMENT
Only authorized personnel will be allowed to carry weapons in the Police Department. No member of the public will carry any weapon into the building. This includes firearms either with or without a concealed handgun permit. The Chief of Police may grant exceptions to this policy for special circumstances (e.g. turning in un-loaded firearms).

385.1.4 IDENTIFICATION (ID)
Each member of the department will be readily identifiable when performing duties for the Sandy Police Department, unless tactically prohibited by current work assignment. When in the non-public areas of the Police Department, identification must be visible at all time, unless the employee is in uniform.

385.1.5 ISSUANCE OF IDENTIFICATION
Employees (full, part time, and temporary) will be issued one SPD Official Identification Card that will serve as their formal Sandy Police Officer credential. They may also receive and ID/Access Card which will allow them access to the restricted areas of the facility through the proximity locks.

Official Identification and ID/Access Cards will be made by the SPD Records Personnel. Information included on the cards will be determined by the Chief and based on the standards established by the card-creation software. Volunteers may be issued a Volunteer ID card, access card or badge. It is the responsibility of the Patrol Sergeant(s) to maintain an accountability of all ID and Access Device Cards issued.

Volunteers requiring un-escorted access to the restricted areas of the building must complete background and security clearances (e.g. CJIS security clearance).

385.1.6 RULES FOR USE OF IDENTIFICATION CARDS
(a) All SPD identification cards (e.g. Official Identification Cards, ID Access Cards, Volunteer ID Cards, etc.) are the property of the SPD and will be surrendered upon order of the Chief.
(b) SPD identification cards will be used for official business purposes only.
(c) Identification, as described in this policy, will be worn within the building when in the non-public areas of the buildings.
(d) If an identification card becomes unservicable, it is to be turned into a Patrol Sergeant and replaced as soon as practical.
(e) SPD Identification cards will be reissued when the authorizing official changes.
(f) Expired/old identification cards will be turned into a Patrol Sergeant when new ones are issued.
(g) Retired sworn employees may be issued an identification card marked with the word "RETIRED" on the front.

(h) Any lost or stolen identification card will be reported to a supervisor immediately.

(i) Identification cards will be turned in upon termination or employment/volunteer service.

385.1.7 ACCESS TO RESTRICTED AREAS
Only authorized individuals who have received the appropriate background and security clearances shall be allowed beyond the public entry way without an employee escort.

Visitors:
- Except as identified in this policy, all visitors will be escorted by an employee when in the restricted areas of the building.
- Visitors will be issued a temporary Visitor ID badge to be visible at all times. Records personnel will verify the purpose of the visit and supervise the issuance of the badge.
- Visitors will sign for and return the Visitor ID badge to Records personnel.
- When a Visitor ID badge is issued, a corresponding entry is required on the Visitor ID Log maintained by records personnel. The form ensures accountability for the Visitor ID badge and is documentation of the people within the secure area of the police department.

Visiting Law Enforcement Personnel:
- Law enforcement personnel from other agencies shall be allowed un-escorted access to the restricted areas of the facility if they are in uniform or prominently display their badge or authorized department identification.
- Visiting law enforcement personnel, when in uniform or prominently displaying a badge or authorized department identification, are exempt from the visitor's identification requirement.

Volunteers:
- It is the responsibility of the patrol sergeant to control the issuance and use of Volunteer ID cards.
- If volunteers need un-escorted access to the restricted areas of the building, the Sergeant will ensure that appropriate background and security clearances are completed following these procedures:
  1. The volunteer authorizes completion of a criminal history check either by completing and signing the Volunteer Application or the Criminal History Check Authorization for Building Access form.
  2. The volunteer completes the CJIS Security Clearance Background Request form and has his/her fingerprints taken.
  3. Criminal history checks and security clearances are conducted.

Once these procedures have been successfully completed, access may be authorized.
Unauthorized Personnel

Individuals in a restricted area of the building who are not displaying approved identification, should be questioned to determine if they are authorized in the non-public area of the building. Employees are encouraged to challenge person unknown to them to establish their identity and purpose, or to report the presence of the unknown person to their supervisor. If the person is authorized, they should be requested to display proper ID.

385.1.8 PENALTIES
Penalties for violating security policy or procedures can be cause for discipline up to and including termination.
Volunteer Program

386.1 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.

386.1.1 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.

386.2 VOLUNTEER MANAGEMENT

386.2.1 VOLUNTEER COORDINATOR
The Volunteer Coordinator shall be appointed by the Chief of Police. 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) 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.
(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.
Volunteer Program

386.2.2 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.

386.2.3 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 CJITS security background check (State and National)
(b) Employment.
(c) References.
(d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

386.2.4 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 be required to sign a non-disclosure agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

386.2.5 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.
Volunteer Program

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.

386.2.6 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.

386.2.7 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 (other than reserve officers) 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.

386.3 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
Volunteer Program

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.

386.4 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.

386.5 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.

386.5.1 VEHICLE USE
Volunteers assigned to duties that require the use of a vehicle must:

(a) Possess a valid Oregon Drivers License
The Volunteer Coordinator or designee, should insure that all volunteers’ driver's license status is checked each year in January.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

386.5.2 RADIO AND MDC USAGE
Volunteers shall successfully complete the Law Enforcement Data System (LEDS) and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator or designee should ensure that radio and LEDS training is provided for volunteers whenever necessary.

386.6 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.

386.6.1 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.

386.7 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 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.
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 Sandy 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.
(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 a Sandy 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.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department 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 Sandy 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 sections 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 Sandy 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 or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigation Section Supervisor in a timely fashion.
400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the Sandy Police Department.

400.2.1 CRIME ANALYSIS UNIT
Crime Analysis will be the responsibility of the detective. He/she will be responsible for reviewing crime reports, collecting, collating, analyzing and disseminating information on criminal activities for the purposes of identifying criminal trends or patterns. Information regarding trends or patterns will be forwarded to the Chief of Police. The Chief will then meet with management staff to develop a plan to address the new trends or patterns. The detective will also be responsible for collecting crime information from other jurisdictions that are relevant to the Sandy Police Department. The detective will be responsible for keeping patrol staff up to date on new information by distribution of crime bulletins and emails.

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 section for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Patrol supervisors, detectives, and patrol officers 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 BINDERS
Several binders containing information will be maintained in the patrol report writing room and will be available for review by officers from all sections within the Department. These will include, but not be limited to, the patrol check, wanted persons, and the written directive notebook.

400.2.5 BULLETIN BOARDS
A bulletin board will be kept in the patrol report writing room and the Investigation Section for display of general information, schedules and non-confidential material only.

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.

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.
Racial or Bias-Based Profiling

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members and establishes appropriate controls to ensure that members of the Sandy Police Department do not engage in racial or bias-based profiling or violate any related laws while serving the community (2015 Oregon Laws c 681 § 2).

402.1.1 DEFINITIONS
Definitions related to this policy include:

Racial or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, color, national origin, language, religion, sex, sexual orientation, gender identity, economic status, homelessness, age, cultural group, disability political affiliation or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service (2015 Oregon Laws c 681 § 2).

402.2 POLICY
The Sandy 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 and without discrimination toward any individual or group.

Race, color, ethnicity or nationality, religion, sex, sexual orientation, gender identity, economic status, homelessness, age, cultural group, disability, political affiliation or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL OR BIAS-BASED PROFILING PROHIBITED
Racial or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.4 MEMBER RESPONSIBILITY
Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION
Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual’s membership in a protected class.
Racial or Bias-Based Profiling

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 officer’s reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITY
Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy 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.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, Mobile Data Computer (MDC) 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 racial or bias-based profiling 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 ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial or bias-based profiling.

402.6 ADMINISTRATION
Each year, the Patrol Sergeant shall review the efforts of the Department to prevent racial or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, 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 shall review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING
Training on racial or bias-based profiling and review of this policy should be conducted as directed by the Training Sergeant.
Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE
The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident generally is responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene the officer shall continue until relieved by a supervisor.

406.2.1 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) Ensure that no suspects are still within the area.
(b) Broadcast emergency information, including all requests for additional assistance.
(c) Provide first aid to injured parties if it can be done safely.
(d) Secure the inner perimeter with crime scene tape.
(e) Protect items of apparent evidentiary value.
(f) Start a chronological log, noting critical times and personnel allowed access.

406.2.2 MEDIA ACCESS
Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

406.2.3 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.

406.3 SEARCHES AT CRIME OR DISASTER SCENES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and 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 proper authority for the search is obtained.
Crime and Disaster Scene Integrity

406.3.1 AUTHORITY TO SEARCH
In order to search, officers must have probable cause to believe that a crime has occurred and evidence of the crime will be found at the location. Absent consent, a search warrant is generally required to authorize continued search once a scene is stabilized.

406.3.2 CONSENT
Any person who has an expectation of privacy has standing to object to a search. That may include anyone with a property interest in the location, as well as any resident, tenant, or guest, depending on the circumstances. It may not be possible to identify everyone with standing to object, and from whom consent must be obtained, at the early stages of the investigation. Officers should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.
Ride-Along Policy

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 Sandy 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 15-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 Community Services Division. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Patrol Sergeant,

410.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Sergeant or Chief. 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 Sergeant or Chief 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, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Patrol Sergeant.
Ride-Along Policy

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.

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. 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 expressed 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 Sandy 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 OFFICERS 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 Sergeant or Chief is responsible for maintaining and scheduling ride-alongs.

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.
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).
(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.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.
Hazardous Material Response

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.
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 as security so that specified terms or conditions will be met.

414.2 POLICY
It is the policy of the Sandy 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).
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.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
Hostage and Barricade Incidents

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.

(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 Crisis Response Unit (CRU) response if appropriate and apprising the CRU 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 or the Dispatch Center.
(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 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 CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU 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 CRU. The Incident Commander and the CRU 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.
Response to Bomb Calls

416.1 PURPOSE AND SCOPE
These guidelines have been prepared to assist officers in their initial response to incidents 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 Patrol Sergeant 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.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.
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 actions to mitigate scene hazards such as collapsed structures, blood borne 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 officers
(e) Patrol Sergeant/Chief of Police
(f) Detectives
(g) 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.

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 call 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 Patrol Sergeant is immediately advised and fully informed of the details. The Patrol Sergeant will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.
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 Sandy 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 officers encounter an individual who may qualify for a civil commitment, they 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.
Civil Commitments

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 the Dispatch Center 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.
Civil Commitments

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 a licensed independent practitioner 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.
Civil Commitments

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 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.
Citation Releases

420.1 PURPOSE AND SCOPE
Pursuant to Oregon Revised Statutes 133.055, officers may issue a criminal citation to a person if the officer has probable cause to believe that the person has committed a misdemeanor or has committed a felony that is subject to misdemeanor treatment under Oregon Revised Statutes 161.705.

420.2 STATUTORY REQUIREMENTS
Officers will cite offenders into the court before which they would appear if arrested. The citations must specify the time, date and court of appearance, and the court date shall not be later than 30 days after the citation was issued (Oregon Revised Statutes 133.055 and 133.060).

420.2.1 DISCRETION TO ARREST
While this department recognizes the statutory power of peace officers to make arrests throughout the state officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will generally be made outside the boundaries of the city only in cases of hot and/or fresh pursuit, or while following up on crimes committed within the city or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should consider contacting the agency having primary jurisdiction, when circumstances permit, before attempting an apprehension.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officers shall clearly identify him/herself as a peace officer.

420.3 DEPARTMENT PROCEDURE
The following procedure will be followed to comply with this law.

420.3.1 FIELD CITATIONS
Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations to a person upon probable cause to believe that the person has committed a misdemeanor or has committed a felony subject to misdemeanor treatment under ORS 161.705, unless there is a disqualifying reason making the person ineligible for citation (ORS 133.055).

420.3.2 FINGERPRINTS AND PHOTOGRAPHS
In certain cases, it may appropriate to fingerprint and photograph persons prior to citing and releasing them. In such cases, the person shall be taken into custody and transported to the department for that purpose, after which, they may be issued a citation and released.
420.3.3 DISQUALIFYING CIRCUMSTANCES
In certain circumstances, cite and release may not be appropriate. Those situations include:

(a) Oregon Revised Statutes 133.055 specifically exempts persons arrested for assault or menacing at the scene of a domestic violence complaint. Those persons must be physically taken into custody and shall be transported and lodged at the jail.

(b) The person has outstanding warrants for his or her arrest.

(c) The person cannot satisfactorily identify themselves.

(d) The investigation or prosecution of the offense or offenses for which the person was arrested, or the investigation or prosecution of any other offense or offenses, would be jeopardized by the immediate release of the person arrested.

(e) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(f) The person has indicated they will not appear or there is other reason to believe that the person would not appear at the time and place specified in the citation. The basis for this determination shall be specifically stated such as:
   1. Previous history of failure to appear is on record.
   2. the person lacks ties to the area, such as a residence, job or family.
   3. The person initially provided a false name or identification or has previously used false names to avoid prosecution.

(g) 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).

(h) Unusual circumstances lead the officer to conclude that the suspect should be held for further investigation.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted in the custody report.

420.3.4 INSTRUCTIONS TO CITED PERSON
The citing officer shall call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written obligation to appear.

420.4 CITATION RELEASE ON WARRANTS
If the offense is not excluded under Oregon Revised Statutes 133.055, the court may authorize an officer to issue and serve a criminal citation in lieu of arrest (Oregon Revised Statutes 133.110). Officers should not issue citations under the following circumstances:

(a) The crime cited in the warrant involves violence.
Citation Releases

(b) The crime cited in the warrant involves a firearm.
(c) The crime cited in the warrant involves resisting arrest.
(d) The crime cited in the warrant involves giving false information to an officer.
(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.
(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.
(g) The person has other ineligible charges pending against him/her.
(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
(i) The person indicated they will not appear if released on a citation.
(j) The person cannot provide satisfactory evidence of personal identification.
(k) The warrant of arrest does not indicate that the person is eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this section.

420.5 JUVENILE CITATIONS
Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Minor’s in Possession of Alcohol
- Violations of the Sandy City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Section for further action.

420.6 REQUESTING CASE NUMBERS
Traffic infractions may be issued without case numbers and the necessary information can be documented on the reverse side of the Uniform Traffic Citation. For traffic crimes, local ordinance violations, state misdemeanors and qualified felonies, and all citations subsequent to the service of an arrest warrant, case numbers will be drawn. If the incident involves a citation issued subsequent to the service of a local arrest warrant where an Sandy Police Department case number already exists, that case number shall be used.
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.
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"
Arrest or Detention of Foreign Nationals

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 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

Diplomatic Security Service
Command Center
Washington D.C.
(202) 647-7277
(202) 647-1512
(202) 647-0122 FAX
(Available 24 hours)

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 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
(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 the Dispatch Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Dispatch Center 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 the Dispatch Center 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.

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 the Dispatch Center was notified of the foreign national's arrest/detention and his/her claimed nationality.
424.1 PURPOSE AND SCOPE
Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY
The policy of this department in dealing with the crisis situation shall be:
(a) To obtain and maintain complete operative control of the incident.
(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE
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 immediately 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.

When deciding on a course of action officers should consider the following:
(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.
(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
(c) Whether the officers have the ability to effectively communicate with others in the field.
(d) Whether planned tactics can be effectively deployed.
(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide tactical advantage.

(f) 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).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.
Immigration Violations

428.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Sandy Police Department for investigating and enforcing immigration laws.

428.2 POLICY
It is the policy of the Sandy 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 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 without regard to race, color or national origin in any way that would violate the United States or Oregon Constitutions.

428.4 ENFORCEMENT
The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8 of the United States Code dealing with illegal entry. This department does not participate in routine immigration investigation and enforcement activities. However, 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 181.850).

428.4.1 BASIS FOR CONTACT
Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of an immigration violation shall not be the sole basis for contact, detention or arrest (ORS 181.850).

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT
Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges. 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.
Immigration Violations

428.6 ICE REQUEST FOR ASSISTANCE
Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

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):
(a) Sending information to, or requesting or receiving such information from ICE
(b) Maintaining such information in department records
(c) Exchanging such information with any other federal, state or local government entity

428.7.1 IMMIGRATION HOLDS
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.

428.8 U VISA AND T VISA NON-IMMIGRANT 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)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Section supervisor assigned to oversee the handling of any related case. The Investigation Section 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.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
Immigration Violations

(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.
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 the Dispatch Center.

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 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 the Dispatch Center.

430.2 TRAFFIC SIGNAL MAINTENANCE
The City of Sandy contracts with a private maintenance company 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 the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Officers have the responsibility address any hazard caused by malfunction of any inoperative or malfunctioning signal.
Aircraft Accidents

434.1 PURPOSE AND SCOPE
This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification and documentation.

434.2 RESPONSIBILITIES
In the event of an aircraft crash the employee responsibilities are as follows:

434.2.1 OFFICER RESPONSIBILITY
Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.
(b) Request additional personnel and other resources to respond as needed.
(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
(e) Provide crowd control and other assistance until directed otherwise by a supervisor.
(f) Ensure that the medical examiner’s office is notified if a death occurs.
(g) If there appears to be a large number of fatalities, consider contacting the County Health Department for mass casualty assistance.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.
Aircraft Accidents

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD
The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an onsite investigation, at the discretion of the pilot or the owner.

434.2.3 RECORDS MANAGER RESPONSIBILITIES
The Records Manager is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Oregon Department of Aviation

(b) Forward a copy of the report to the Patrol Sergeant and the manager of the affected airport

434.2.4 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee

(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

434.3 DOCUMENTATION
Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented in a police report.
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 Sandy Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training and Evaluation Program complies with DPSST training requirements and that is designed to prepare the new officer to perform in a patrol assignment possessing all 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 four years of patrol experience, two 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

436.2.2 TRAINING
An officer selected as a Field Training Officer shall successfully complete an approved Field Training Officer's Course prior to being assigned as an FTO.

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 by the Chief of Police or his/her designee and shall possess a DPSST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

(a) Assignment of trainees to FTOs.
Field Training and Evaluation Program

(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.

436.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Sandy Police Department who has successfully completed a DPSST approved Basic Academy.

436.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

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 Sandy 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 Sandy 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:
(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
Field Training and Evaluation Program

(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 Administrator. The supervisor will prepare a bi-weekly supervisor's evaluation and forward it along with the FTO's evaluations.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Observation Reports submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential 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 evaluation

(d) The completed Field Training Manual

(e) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
Obtaining Air Support

438.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Patrol Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Patrol Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Detentions and Photographing Detainees

440.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

440.2 DEFINITIONS
Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person’s freedom of movement.

Consensual Encounter - Occurs 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 - Field photographs are defined as posed photographs taken of a person during a contact, 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 when persons are not posed for the purpose of photographing are not considered field photographs.

Frisk or Pat-Down Search - This is the normal 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 detainee or others (ORS 131.625).

Reasonable Suspicion - Occurs 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).

440.3 FIELD INTERVIEWS
Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
Detentions and Photographing Detainees

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

440.3.1 INITIATING A FIELD INTERVIEW
An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Sandy Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may be lost 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 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.

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.
**Detentions and Photographing Detainees**

**440.4 FRISK OR PAT-DOWN SEARCHES**
A frisk or pat-down search of a detained subject 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). 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) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
(c) The appearance and demeanor of the suspect.
(d) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
(e) Statements made by the suspect, witnesses or other persons.

**440.5 FIELD PHOTOGRAPHS**
Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 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. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. 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.

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.

**440.6 SUPERVISOR RESPONSIBILITY**
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. Access to field photographs shall be strictly limited to law enforcement purposes.
Detentions and Photographing Detainees

440.7 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Patrol Sergeant with either an associated FI card or other memorandum 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 shall review it and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Patrol Sergeant will forward the photo and documents to the Gang Unit Supervisor. The Gang Unit Supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in this policy.

When a photograph is taken in association with a particular case, the detective 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 will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

440.7.1 PURGING THE FIELD PHOTO FILE
The Records Manager will be responsible for ensuring that photographs retained by the Records Section that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Sandy Police Department and the booking file remains in the Records Section.

440.8 PHOTO REVIEW POLICY
Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.
**Detentions and Photographing Detainees**

440.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/CI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/CI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her to discuss the matter.

After carefully considering the information available, the Chief of Police or his/her designee will determine, generally within 30 days of the original meeting, whether the photograph/CI was obtained in accordance with existing law and Sandy Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/CI.

If the Chief of Police or his/her designee determines that the photograph/CI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/CI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest CI no longer exists or that the original CI was not obtained in accordance with established law or department policy, the original CI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Sandy Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.
Detentions and Photographing Detainees

Within 30 days of the Chief of Police’s determination the person photographed/FI'd will be notified in writing whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.
Criminal Street Gangs

442.1 PURPOSE AND SCOPE
The Sandy Police Department must ensure that organized criminal activity does not victimize our citizens or diminish the quality of life in our communities.

This policy establishes procedures to be used to identify criminal street gangs and gang members or associates, and to properly document gang related contacts and investigate gang related incidents.

442.1.1 POLICY
It is the express policy of the Department to actively seek out, aggressively investigate, and prosecute criminal activities that involve street gangs.

442.2 DEFINITIONS

442.2.1 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:
   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.
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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.

442.2.2 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.

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:
Criminal Street Gangs

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.

442.2.3 GANG INFORMATION OFFICER
Person(s) responsible for gathering and compiling gang information for its submission to the Oregon Department of Justice (DOJ) criminal gang database using the Oregon Criminal Justice Intelligence Network (OCIN).

442.3 REPORTING CRITERIA
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 appears to meet 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.

442.3.1 SPECIFIC INFORMATION TO GATHER
(a) Information required to determine eligibility for documentation as indicated in the definitions section, above.

(b) Photograph all graffiti and attempt a rough sketch of graffiti on the report.

(c) Attempt to photograph new gang related persons contacted, including tattoos if possible.
442.3.2 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.

(d) 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.

442.4 DOCUMENTATION PROCEDURE

Gang affiliates who fit the Oregon DOJ criteria will be documented in the Law Enforcement Data System (LEDS) for officer safety purposes.

(a) When officers have contact with any person who fits DOJ criteria, the Gang Information Officer will submit Gang Submission Forms to DOJ for the purpose of documentation in LEDS.

(b) Oregon Revised Statute 181.575 prohibits the retention of information except when that 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. Information that is not directly associated with the investigation of a crime will not be retained in the Gang Information Officer’s files. Investigative reports may be stored in the normal department records system if the information otherwise meets normal department reporting and records retention criteria.

442.5 GANG INCIDENT INVESTIGATION

The Department will assign investigations in the most effective manner; utilizing the Gang Information Officer(s) where needed to quickly and efficiently investigate gang incidents. Officers who are investigating criminal activity and who have need of information regarding gang activity from the DOJ OCIN files should request the assistance of the Gang Information Officer in retrieving the required information.

442.5.1 SHARING OF INFORMATION

Officers who develop or learn information about documented criminal gangs or gang associates related to potential criminal activity should share the information with other officers.

442.6 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database or permanent file, as described in OAR 137-090-0080, the Chief of Police may approve one or more criminal gang intelligence databases, such as a statewide repository, for use by members of the gang unit. Any
such database should be compliant with 28 CFR 23.20 and OAR 137-090-0000 et seq., regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether a report or Field Interview (FI) contains information that would qualify for entry into a department approved criminal gang intelligence database. The gang unit supervisor should forward any such reports or FIs to the Records Section after appropriate database entries are made. The submitting gang unit supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Section supervisor to retain reports and FIs in compliance with the procedures of the department-approved criminal gang intelligence database (28 CFR 23.20 and OAR 137-090-0000 et seq.). The Records Section supervisor may not purge these reports or FIs without the approval of the gang unit supervisor.

Validation and purging of the criminal gang intelligence database is the responsibility of the gang unit supervisor.

442.6.1 CRIMINAL STREET GANG TEMPORARY FILE
The gang unit supervisor may maintain a temporary file of reports and FIs that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected street gang participant or a suspected street gang but does not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a department-approved criminal gang intelligence database. Reports and FIs will only be included in a temporary gang file with the written authorization of the gang unit supervisor. A temporary file of street gang participants shall include the following:

• Names, aliases, monikers, addresses and other relevant identifying information
• Gang name
• Justification used to identify an individual as a criminal street gang participant
• Vehicles known to be used
• Cross references to other identified gangs or gang members

Individuals, groups, and organizations may be given temporary file status only in the following situations:

(a) The subject is unidentifiable because there are no physical descriptors, identification numbers or distinguishing characteristics available; and

(b) The subject's involvement in criminal or gang activities is questionable; and

(c) The subject has a history of criminal or gang conduct, and the circumstances afford him/her an opportunity to again become active; and/or
(d) The reliability of the information source and/or the validity of the information content cannot be determined at the time of receipt; and

(e) The information appears to be significant and merits temporary storage.

442.6.2 REVIEW AND PURGING OF TEMPORARY CRIMINAL GANG PARTICIPANT FILE
Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department-approved criminal gang intelligence database.

The gang unit supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal gang files is the responsibility of the gang unit supervisor. Retention and purging shall correspond to the department's established records retention guidelines.

The gang unit supervisor should otherwise ensure that temporary criminal gang participant files and "working files" are maintained under the model of OAR 137-090-0080.

442.7 FIELD CONTACTS
Officers who contact individuals who are or may be participants in criminal street gang activity should complete an FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang, has XYZ tattoo on right hand near thumb, is wearing a ball cap with the gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of the Detentions, Contacts and Photographing Detainees Policy.

442.8 INQUIRY BY PARENT OR GUARDIAN
When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the temporary criminal street gang participant's file, such information shall be provided by the unit supervisor unless there is good cause to believe that the release of such information may jeopardize an ongoing criminal investigation.

Employees must observe strict compliance with the rules of a department-approved gang intelligence database regarding release of information from that database.

442.9 DISSEMINATIONS OF THE FILE INFORMATION
Information from the temporary criminal street gang participant files may only be furnished to department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

Information from any department-approved gang intelligence file must only be released in compliance with the rules for that particular database.
Criminal Street Gangs
Criminal Organizations

442.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Sandy Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 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.

442.2 POLICY
The Sandy 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.

442.3 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.

442.3.1 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 Section. Any
supporting documentation for an entry shall be retained by the Records Section 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 Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

442.4 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.

442.4.1 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 Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Dispatch Center 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.

442.4.2 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.
Criminal Organizations

442.5 INFORMATION RECOGNITION
Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.
(b) Information related to a drug-trafficking operation.
(c) Vandalism indicating an animus for a particular group.
(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

442.6 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.

442.7 CRIMINAL STREET GANGS
The Investigation Section supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with criminal street gangs.
(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

442.8 TRAINING
The Training Sergeant 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.
Patrol Sergeants

444.1 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 watch. In the event that a sergeant or other supervisor is not on shift, a supervisor will ALWAYS be available either by pager or phone. The on-call supervisor will provide direction, supervision and/or respond as needed to ensure proper supervision.
Mobile Audio Video

446.1  PURPOSE AND SCOPE
The Sandy Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

446.1.1  DEFINITIONS
Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2  POLICY
It is the policy of the Sandy Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

446.3  OFFICER RESPONSIBILITIES
Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

446.4  ACTIVATION OF THE MAV
The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. If audio is available for use, it is usually independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record. Whenever the audio portion is activated,
Mobile Audio Video

officers should, whenever possible, advise all persons present that they are being recorded in accordance with ORS 165.540(5)(c).

446.4.1 REQUIRED ACTIVATION OF MAV
This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
   1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
   2. Priority responses
   3. Vehicle pursuits
   4. Suspicious vehicles
   5. Arrests
   6. Vehicle searches
   7. Physical or verbal confrontations or use of force
   8. Pedestrian checks
   9. DWI/DUI investigations including field sobriety tests
   10. Consensual encounters
   11. Crimes in progress
   12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Dispatch Center.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
   1. Domestic violence calls
   2. Disturbance of peace calls
   3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
Mobile Audio Video

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

446.4.2 CESSATION OF RECORDING
Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

446.4.3 WHEN ACTIVATION IS NOT REQUIRED
Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

446.4.4 SUPERVISOR RESPONSIBILITIES
Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:
   1. The tracking number of the MAV system media.
   2. The date it was issued.
   3. The law enforcement operator or the vehicle to which it was issued.
   4. The date it was submitted.
   5. Law enforcement operators submitting the media.
   6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.
Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

446.5 REVIEW OF MAV RECORDINGS
All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements
(b) By a supervisor investigating a specific act of conduct
(c) By a supervisor to assess performance
(d) To assess proper functioning of MAV systems
(e) By a department investigator after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
(f) By department personnel who request to review recordings
(g) By who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
(h) By court personnel through proper process or with permission of the or the authorized designee
(i) By the media through proper process or with permission of the or the authorized designee
(j) To assess possible training value
(k) Recordings may be shown for training purposes. If an involved objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Patrol Sergeant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.
446.6 DOCUMENTING MAV USE
If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY
Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

446.7.1 COPIES OF ORIGINAL RECORDING MEDIA
Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

446.7.2 MAV RECORDINGS AS EVIDENCE
Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Sandy Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.8 SYSTEM OPERATIONAL STANDARDS
(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

446.9 RESPONSIBILITIES
A supervisor or Assigned Officer will be responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
   1. Ensures it is stored in a secure location with authorized controlled access.
   2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:
   1. Pursuant to a court order.
   2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:
   1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

446.10 TRAINING
All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.
Mobile Data Computer Use

448.1 PURPOSE AND SCOPE
The Mobile Data Computer (MDC) accesses confidential records from the Oregon State Police and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

448.2 MDC USE
The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Patrol Sergeant.

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 & Policies and must ensure that unauthorized persons are not given access or allowed to view LEDS information.

448.2.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY
MDC’s and voice transmissions are used to record the officer’s daily activity. To ensure the most accurate recording of these activities, the following are required:

(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 shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher
(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC
448.2.3 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

448.2.4 EMERGENCY ACTIVATION OF MDC
If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.

(b) Notify the field sergeant and Patrol Sergeant of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC
Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Dispatch Center. It shall be responsibility of the Dispatch Center to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS
When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.
Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment (2015 Oregon Laws c. 550, § 1).

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 Mobile Audio/Video policies).

450.2 POLICY
The Sandy Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 MEMBER PRIVACY EXPECTATION
All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, SPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.
Portable Audio/Video Recorders

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

450.5  ACTIVATION OF THE PORTABLE RECORDER
This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should 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
(c)  Self-initiated activity in which a member would normally notify the Dispatch Center
(d)  Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Unless there are exigent circumstances or concerns for the safety of the member or any other person, 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 (2015 Oregon Laws c. 550, § 1).

Members shall notify all parties to the conversation that a recording is being made unless pursuant to a court order or the limited exceptions in ORS 165.540 subsections (2) through (7) and ORS 133.726 (prostitution offenses, felonies when exigency makes obtaining a warrant unreasonable, certain felony drug offenses, felonies that endangers human life) (ORS 165.540).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound 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. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

450.5.1  SURREPTITIOUS USE OF THE PORTABLE RECORDER
Oregon law generally prohibits any individual from surreptitiously recording any conversation, except as provided in ORS 165.540 and ORS 165.543.
Portable Audio/Video Recorders

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the member’s direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

450.5.3 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.

450.6 PROHIBITED USE OF PORTABLE RECORDERs
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All recordings shall be retained at the Department or by a Department-approved third-party vendor.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

450.6.1 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS
Recordings from body-worn video cameras shall not be analyzed with facial recognition or other biometric matching technology (2015 Oregon Laws c. 550, § 1).

450.7 RETENTION OF RECORDINGS
Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers should occur at the end of the member’s shift, or any time the storage capacity is nearing its limit.
Portable Audio/Video Recorders

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.

450.7.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

Recordings made from body-worn video cameras no longer needed for a court proceeding or an ongoing criminal investigation shall not be retained for more than 30 months (2015 Oregon Laws c. 550, § 1).

450.7.2 STORAGE OF DATA BY VENDORS
Any contract with a third-party vendor for data storage of recordings from body-worn video cameras must state that all recordings are the property of the Sandy 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 Sandy Police Department (2015 Oregon Laws c. 550, § 1).

450.8 REVIEW OF RECORDINGS
When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release 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.
Medical Marijuana

452.1 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 (Oregon Medical Marijuana Act, ORS 475.300 et seq.).

452.1.1 DEFINITIONS
Definitions related to this policy include:

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 physician, however it may include an organization or facility that provides hospice, palliative or home health care services (ORS 475.302; 2015 Oregon Laws c.844 § 6).

Grower - A person responsible for a marijuana grow site, who has been selected to produce medical marijuana for a patient and has been registered by the Oregon Health Authority for this purpose (OAR 333-008-0010).

Handler - A person, joint venture or cooperative that receives industrial hemp for processing into commodities, products or agricultural hemp seed (ORS 571.300).

Mature marijuana plant - A marijuana plant that has flowers, is 12 or more inches tall or 12 inches or more in diameter (OAR 333-008-0010).

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 475.302). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475.304.

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by his/her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475.319). This includes a person who has been issued a valid RIC for his/her medical condition (ORS 475.309).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475.309 that identifies a person authorized to engage in the medical use of marijuana and,
if the person has a designated primary caregiver under ORS 475.312, the person’s designated primary caregiver (ORS 475.302). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475.304.

**Statutory possession amounts** - Up to six mature marijuana plants and 24 ounces of usable marijuana. The amount is limited to one ounce if the person has a qualifying felony-controlled substance conviction in the past five years (ORS 475.320).

**Statutory grow site amounts** - Grow site amounts, per patient, are generally limited to both of the following (ORS 475.320):

(a) Up to six mature plants and up to 24 ounces of usable marijuana.

(b) Up to 18 marijuana seedlings or starts (a marijuana plant that has no flowers, is less than 12 inches in height and less than 12 inches in diameter) (OAR 333-008-0010).

**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 475.302).

452.2 **POLICY**

It is the policy of the Sandy 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 475.300). 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 Sandy 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.

452.3 **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.

452.3.1 **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.

452.3.2 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 (ORS 475.314). 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 475.314).

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 475.306). 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.

452.3.3 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 475.319):
(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 475.319).

452.3.4 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 manners (ORS 475.304):
   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) Officers confiscating excess amounts of marijuana plants may not confiscate from a RIC holder, a designated primary caregiver of a RIC holder or a person growing marijuana for a
RIC holder mature marijuana plants at or less than the statutory possession amounts that are allowed under the law (ORS 475.320).

(c) Because enforcement of medical marijuana laws can be complex, 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:

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, such as available department resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, officers should consider conferring with appropriate legal counsel.

(e) Registration or proof of registration under ORS 475.300 to ORS 475.346 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 475.323).

(f) 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 have the required industrial hemp license or agricultural hemp seed production permit issued by the Oregon Department of Agriculture. Seed products incapable of germination do not require an agricultural hemp seed production permit (ORS 571.305). Officers may contact the Department of Agriculture’s Commodity Inspection Division for information about industrial hemp sites and licensing compliance.

452.3.5 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 475.316):

(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 registry identification card.
If an officer knows or has reasonable grounds to suspect a violation of the Control, Regulation and Taxation of Marijuana and Industrial Hemp Act, the officer shall immediately notify the district attorney and provide any relevant information, including the names and addresses of any witnesses (Laws 2015, Ch. 1, § 63).

452.4 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.

452.5 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 475.323).

Marijuana should not be returned to any person unless authorized by the Investigation Section 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 Investigation Section Supervisor.
Foot Pursuits

458.1 PURPOSE AND SCOPE
This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

458.2 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.
458.3 GENERAL GUIDELINES
When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders them incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the [dispatcher] or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increases the risk to or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer’s ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

458.4 RESPONSIBILITIES IN FOOT PURSUITS
458.4.1 INITIATING OFFICER RESPONSIBILITIES
Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:
(a) Location and direction of travel
(b) Call sign identifier
(c) Reason for the foot pursuit, such as the crime classification
(d) Number of suspects and description, to include name if known
(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officers unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the [dispatcher] of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting media aid as needed for officers, suspects or members of the public.

458.4.2 ASSISTING OFFICER RESPONSIBILITIES
Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officers who are in a position to intercept a fleeing suspect, or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

458.4.3 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
Foot Pursuits

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.

458.5 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.

458.6 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.
Bicycle Patrol Unit

460.1 PURPOSE AND SCOPE
The Sandy Police Department has established the Bicycle Patrol Unit (BPU) 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.

460.2 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 Bicycle Patrol Unit supervisor or the Patrol Sergeant.

460.3 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Sergeant. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. 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 BPU supervisor and made by the Patrol Sergeant.

460.3.1 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Sergeant or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.
(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
(c) Scheduling maintenance and repairs.
Bicycle Patrol Unit

(d) Evaluating performance of bicycle officers.
(e) Coordinating activities with the Patrol Section.
(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

460.4 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 twice yearly 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

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

460.5 UNIFORMS AND EQUIPMENT
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol 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 the necessary forms, citation books and other department equipment needed while on bicycle patrol.

460.6 CARE AND USE OF PATROL BICYCLES
Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color with a Police decal affixed to each side of the crossbar or the bike’s saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights and a horn satisfying the requirements of Oregon Revised Statutes § 815.280(2).
Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and user manuals.

Each bicycle shall be equipped with a flashing blue warning light that is visible from the front, sides, or rear of the bicycle. Unless the patrol bicycle is equipped with an emergency light and siren meeting the requirements set forth in the Oregon Revised Statutes and Oregon Administrative Rules, it does not qualify as an emergency vehicle and operators are not exempt from the rules of the road.

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.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Except in the event of an emergency officers shall not remove or add components or modify the patrol bicycle without the expressed approval of the bicycle 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.

460.7 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.
Homeless Persons

464.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Sandy Police Department recognizes that members of the homeless community are often in need of special protection and services. The Sandy Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community.

464.1.1 POLICY
It is the policy of the Sandy Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON
The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. 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 Policy Section 804 and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.
464.3 FIELD CONTACTS
Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, 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 to problems that may relate to the homeless, 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.

464.3.1 OTHER CONSIDERATIONS
Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

464.4 HOMELESS ENCAMPMENTS
Officers who encounter encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not immediately remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.
Homeless Persons

464.4.1 HOMELESS CAMPS ON PUBLIC PROPERTY
Prior to removing homeless individuals from an established campsite on public property, officers shall:

(a) If individuals are present, advise violators that they are camping on public property and such encampments are illegal.

(b) Post the area with a notice in English and Spanish advising the violators to vacate within 24 hours. This same notice shall list a local agency that delivers social services to homeless individuals.

(c) Notify the agency listed on the posting of the campsite’s location.

(d) Obtain a case number and prepare a police report documenting the incident.

The 24-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping violation is occurring or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, or when there is immediate danger to human life or safety (ORS 203.079).

464.4.2 CAMPING ON PRIVATE PROPERTY
Camping on private property without the owner’s permission should be handled as a trespass complaint. Owners of private property may allow individuals to camp, provided they do so in a manner consistent with provisions of the Sandy Camping Ordinance.

464.4.3 CAMPING IN CITY PARKS
Illegal campers found in City parks during hours the parks are closed may be cited or arrested for violation of park rules.

464.5 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 his/her 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 of the property. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual(s) from the camp site (ORS 203.079(d)).

All property collected for safekeeping shall be stored for a minimum of 30 days. The property and evidence technician shall ensure that reasonable efforts are made to inform the owner of
status of the property and inform him/her of how and when such property may be claimed (ORS 203.079(d)).

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.

464.6 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS
Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if the person consents and approved by a supervisor.

464.7 ECOLOGICAL ISSUES
Sometimes homeless encampments can impact 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 departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.
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 Sandy 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 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 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 be present while the copy is being made, if feasible.
Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
First Amendment Assemblies

466.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

466.2 POLICY
The Sandy 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.
First Amendment Assemblies

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 the Dispatch Center, 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.
First Amendment Assemblies

- 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 the race, ethnicity, national origin or religion 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 the following:

(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)
(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
(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
First Amendment Assemblies

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 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).
**First Amendment Assemblies**

Force or control devices, including oleoresin capsaicin (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 Sandy 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).

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, the Dispatch Center 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.
Chapter 5 - Traffic Operations
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 Sandy 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 Sandy 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:
Sandy Police Department
Policy Manual

Traffic Function and Responsibility

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).
500.5 HIGH-VISIBILITY VESTS
The Sandy 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).

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
A high-visibility vest shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. A supervisor should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

502.1 PURPOSE AND SCOPE
The Sandy 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
The Sergeant or Chief will be responsible for proper investigation and reporting of motor vehicle collisions. Traffic collisions will be documented using the Oregon Police Traffic Crash Report. The Sergeant or Chief 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 Traffic Division for approval and data entry into the Records Management System. The Sergeant or Chief will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Patrol Sergeant, or other persons as required. The Records Section will be responsible for monthly reports on traffic collision statistics to be forwarded to the Operations Division Commander and the Oregon Traffic Safety Commission.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision 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. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Sergeant.

Photographs of the collision scene and vehicle damage shall be taken.

502.4.2 TRAFFIC COLLISIONS INVOLVING DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the City limits of Sandy resulting in a serious injury or fatality, the Sergeant or Chief or the Patrol Sergeant may notify the Oregon State Police for assistance.

The term serious injury is defined as any injury that results in hospitalization.
502.4.3 TRAFFIC COLLISIONS INVOLVING OTHER CITY EMPLOYEES OR OFFICIALS
The Sergeant or Chief or Patrol Sergeant may request assistance from the Oregon State Police for the investigation of any traffic collision involving any Sandy official or employee where a serious injury or fatality has occurred.

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 traffic violation. A Miscellaneous Report may be taken at the discretion of any supervisor.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within this jurisdiction in the following cases:

(a) There is a death, or injury to any person involved in the collision.
(b) An officer issues a citation for a violation of the Vehicle Code.
(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) All hit-and-run violations as defined by Oregon Revised Statutes 811.700 and 811.705.
(e) The collision meets the criteria for operators to submit a State Accident Report to the Department of Motor Vehicles.
(f) An involved party requests a traffic collision report.

502.4.6 TOWING VEHICLES INVOLVED IN TRAFFIC COLLISIONS
A collision 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 the Vehicle Towing policy.

502.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISION
In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Chief and request the C.R.A.F.T. Team to investigate the traffic collision.
Vehicle Towing

510.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Sandy Police Department.

510.2 RESPONSIBILITIES
The responsibilities of those officers impounding a vehicle are as follows.

510.2.1 VEHICLES CONSTITUTING A HAZARD OR OBSTRUCTION
Officers may take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended when it creates a hazard or obstruction. Hazards and obstructions may include vehicles that are (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 ORS 819.120 (2)(b).

Officers should use sound judgment in balancing the need to correct a hazardous situation with the potential hardship to a vehicle owner/operator before towing such a vehicle.

Officers impounding a vehicle shall complete a vehicle impound report. A copy is to be given to the tow truck operator and the original is to be submitted along with the incident report to the Records Section as soon as practicable after the vehicle is stored.

Records Division personnel shall promptly enter pertinent data from the completed vehicle impound report into the state’s Law Enforcement Data Systems (LEDS).

Once a vehicle impound report is approved and forwarded to the Records Section, it shall be placed into the auto-file at the front desk to be immediately available for release or for information should inquiries be made.

510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the no preference towing company list in the Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a no preference towing company. The officer will then have the vehicle towed to the tow company’s storage lot for safekeeping, and complete a Vehicle Impound form.
Vehicle Towing

510.2.3 DRIVING A NON-CITY VEHICLE
Vehicles which have been towed by or at the direction of the Police Department should not be driven by police personnel unless it is necessary to move the vehicle a short distance to eliminate a hazard, to prevent the obstruction of a fire hydrant, or to comply with posted signs.

510.2.4 NOTICE TO OWNERS
Once the vehicle is impounded, records personnel shall mail a copy of the impound report along with information describing the location of the vehicle and the procedures for its release to the legal and registered owners of the stored vehicle within 48 hours after it has been stored, not including Saturdays, Sundays or holidays, unless the vehicle has been previously released (ORS 819.180). The notice shall include:

(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.

510.3 TOWING SERVICES
The City of Sandy periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When a vehicle is being held as evidence in connection with an investigation

(b) When it is otherwise necessary to impound a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.
Nothing in this policy shall require the Department to tow a vehicle.

510.3.1 NO PREFERENCE TOW SERVICES
Upon proper application, the department 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 police department 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.

510.4 IMPOUNDS RELATED TO CRIMINAL INVESTIGATIONS
Officers should impound vehicles that are needed for the furtherance of an investigation or prosecution of a case or are otherwise appropriate for seizure under ORS 133.535. State law requires the impounding officer to 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). Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than store it, so long as the vehicle is not needed for evidence.

510.5 IMPOUND AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or storing the arrestee’s vehicle subject to the exceptions described below. However, the vehicle shall be stored, subject to applicable laws and warrant requirements, whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine, reasonably suggests that the vehicle should be stored (e.g., the vehicle would present a traffic hazard if not removed or, due to a high crime area, the vehicle would be in jeopardy of theft or damage if left at the scene).

While the Oregon Revised Statutes may authorize the impoundment of a vehicle for issues such as driving with a suspended or revoked license (ORS 809.720), impounds are only authorized if, in such cases, leaving the vehicle would create a hazard, obstruction or a risk of loss.

The following are examples of situations where the arrestee’s vehicle should not be stored, provided the vehicle can be legally parked, left in a reasonably secured and safe condition and the vehicle is not needed for the furtherance of an investigation:

• The vehicle is parked on private property on which the registered owner or operator is legally residing, or the property owner does not object to the vehicle being left parked at that location.
Vehicle Towing

- When the arrestee or a passenger is the registered or legal owner of the vehicle and requests that the vehicle be released to a person who is present, willing and able to legally take control of the vehicle.
- Whenever the vehicle is legally parked and otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall inform the arrestee and note in the report that the Department will not be responsible for theft or damages.

510.6 VEHICLE INVENTORIES
The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

(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 the following locations:

   1. 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; and
   2. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers, 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.

(c) 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, 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.

(d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.

(e) Any valuables, to include cash in excess of $10 or property valued at more than $200, located during the inventory process will be listed on a property receipt and stored in this agency’s property/evidence room. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present.
Vehicle Towing

(f) The inventory is not a search for evidence of a crime, however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.

(g) Tow truck operators are to receive a copy of the tow report.

These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.7 VEHICLE SEARCHES
Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. Vehicle searches should be handled according to current training and an officer’s familiarity with relevant case law. Generally, a search warrant should be sought prior to conducting a search of a vehicle.

Because circumstances under which a warrantless search of a vehicle might be permissible are very limited, and because vehicle searches are subject to many restrictions, officers should, whenever possible, seek supervisory approval before conducting a warrantless search of a vehicle.

510.8 SECURITY OF VEHICLES AND PROPERTY
After a thorough inventory of the vehicle has been completed and all contraband, evidence and weapons have been removed the officer should make reasonable accommodations to permit a driver or owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions).

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.9 RELEASE CRITERIA
A vehicle impounded under this section shall be released to a person entitled to lawful possession of the vehicle upon compliance with the following:

(a) Proof that a person with valid driving privileges will be operating the vehicle.

(b) Proof of compliance with financial responsibility requirements for the vehicle.

(c) Payment of the Sandy Police Department administrative fee and any towing and storage charges.

(d) A security interest holder in the vehicle is not required to comply with (a) and (b) and may obtain release by paying the administrative fee, towing and storage fees.
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 Sandy Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her 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 Sandy 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, designated by this department, 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, lessor or security interest holder shown in the Oregon Department of Transportation (ODOT) records.

An impound hearings officer, designated by this department, 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 Sergeant for reimbursement by this department to the appropriate party.
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 Sandy 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 Sergeant or Chief 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 Sergeant or Chief 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.
(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).
Impaired Driving

(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 Sergeant or Chief 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 Sergeant or Chief.

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.

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 a controlled substance, an inhalant or any combination of 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 in issue or of the person’s blood or urine if the presence of a controlled substance or inhalant in the person’s body is in 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 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.
Impaired Driving

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 which 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 the person’s blood, the investigating officer shall cause the following items to be 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.
Impaired Driving

- 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 SECTION RESPONSIBILITIES
The Records Manager 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 Manager 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.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.10 TRAINING
The Training Sergeant 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 Sergeant should confer with the prosecuting attorney’s office and update training topics as needed.
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
Traffic citations will be written using the department's electronic traffic citation software, APS/Report Beam. Handwritten citations can be utilized ONLY in the event the software is unavailable (e.g., connectivity and/or printer issues, etc.)

After review and issuance by the officer, ELECTRONIC CITATIONS must be uploaded to the server no later than the end of shift. In the event of a time delay in uploading citations, the officer must notify the Municipal Court Clerk as the delay may impact the court's automated import from APS/Report Beam.

After review and issuance by the officer, all copies of HANDWRITTEN CITATIONS to be routed to Records for processing.

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.

Should an officer determine 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. The citation dismissal shall then be forwarded to the Patrol Sergeant(s) for review.

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. In the case of an ELECTRONIC CITATION, check the VOID box and upload the citation to the server. In the case of a HANDWRITTEN CITATION, mark the citation VOID and forward ALL copies to Records. Patrol Sergeants will conduct a periodic review of voided citations.

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 an amendment letter requesting a specific correction. When an amendment
either REDUCES THE SEVERITY OF THE INITIAL CHARGE or REMOVES A CHARGE, the amendment must be reviewed by a supervisor. The supervisor will then approve (initial) and forward the amendment to the appropriate court.

516.6 DISPOSITION OF TRAFFIC CITATIONS
File copies of HANDWRITTEN CITATIONS will be maintained in Records for supervisor review. ELECTRONIC CITATIONS are available for supervisor review on the Report Beam server.

Upon separation from employment with this department, employees shall return any unused paper citations to the Records Section.

516.7 JUVENILE CITATIONS
Completion of traffic citations for juveniles will be the same as for adults.
Disabled Vehicles

520.1 PURPOSE AND SCOPE
Public safety, and the Sandy 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.
48-Hour Parking Violations

524.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Oregon Revised Statutes or Sandy City Ordinance regulating 48-hour parking violations and abandoned vehicles under the authority of Oregon Revised Statutes 819.110 and under the authority of Sandy Municipal Code Chapter 10.52 et seq.

524.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of Sandy 72-Hour Parking Ordinance shall be marked and noted on the Sandy Police Department Marked Vehicle Card. No case number is required at this time.

(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 Marked Vehicle Card. An abandoned Tow "Red Sticker" shall be prominently attached to a window in a manner that does not block a driver’s visibility.

(b) All Marked Vehicle Cards shall be submitted to the Traffic Division for computer data entry.

(c) If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Division.

(d) Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

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 Traffic Division shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Division shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

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 authorizing the towing of the vehicle.

The Impounded Vehicle Report form shall be submitted to the Records Section immediately following the towing of the vehicle. It shall be the responsibility of the Records Section to enter the vehicle into LEDS.

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals
48-Hour Parking Violations

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 VEHICLE DISPOSAL
If, after 30 days from the custody, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a vehicle impound hearing has been made, the Department may provide the lien holder storing the vehicle with authorization to dispose of any vehicle which has been appraised at a value of $500 or less.

If the vehicle is appraised at more than $500, the vehicle and contents shall be sold at public auction (Oregon Revised Statutes 819.210).

524.3.1 APPRAISAL
Vehicles disposed of under Policy Manual § 524.3 must be appraised by an appraiser certified by the Department of Transportation (Oregon Revised Statutes 819.215).

524.4 IMPOUND HEARING
When a vehicle is stored under this section by any member of the Sandy Police Department, a hearing will be conducted upon the timely request of any person who reasonably appears to have an interest in the vehicle.

524.4.1 HEARING PRIOR TO IMPOUNDMENT
If an interested person requests a hearing prior to the impoundment of the vehicle, the vehicle will not be towed until the hearing is held, unless it constitutes a hazard.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2 MODIFICATION OF CHARGES FILED
Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by a Sergeant or the Chief of Police.

600.3 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 to 163.575, may not be required, by a district attorney or other law enforcement officer or investigator involved in the investigation or prosecution of crimes, or any employee thereof, to submit to a polygraph examination as a prerequisite to filing an accusatory pleading (ORS 163.705).

600.4 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 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 181.575).

600.5 CUSTODIAL INTERVIEWS
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 and in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or 137.707, electronic recording of the interview is mandatory absent good cause not to record (ORS 133.400).

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:

(a) Document the refusal in his/her report.

(b) Request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.
All electronic recordings of custodial interviews shall follow the requirements set forth in ORS 165.540.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.
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:

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. This includes any time the Sandy Police Department seizes property for forfeiture or when the Sandy 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 (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).

• 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.

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.
Asset Forfeiture

- 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.

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 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.
- 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).

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 Sandy 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 Sandy 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:
Asset Forfeiture

(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 should not be seized.
(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. When property
Asset Forfeiture

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 ORS Const. Art. XV, § 10 and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
Asset Forfeiture

(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 ORS 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 Directives. 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.
Asset Forfeiture

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).
Asset Forfeiture

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).
Confidential Informants

608.1 PURPOSE AND SCOPE
In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Sandy Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM
The Patrol Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE
Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) An informant checklist ensuring that all the required documentation is present.
(b) Informant's confidential number, full name and any aliases.
(c) Date of birth, height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
(d) Current home address and telephone numbers.
(e) Current employer(s), position, address(es) and telephone numbers.
(f) Vehicles owned and registration information.
(g) Places frequented.
(h) Informant's photograph, fingerprints and criminal history.
(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable".
(j) Name of officer initiating use of the informant.
(k) Signed informant agreement, initialed by the Detective Supervisor indicating approval of individual for use as an informant.
(l) Initialed copy of Oregon Revised Statutes 161.275 (Entrapment) indicating the informant has read and understood the statute.
(m) Signature of the informant's true name and any assumed name.
(n) Written authorization required as a result of the informant being a corrections client, juvenile or defendant.
(o) A log of all activity and the expenditure of all confidential funds associated with the informant.
Confidential Informants

(p) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Patrol. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Sergeant, the Patrol Supervisor, or their designees.

608.3 USE OF INFORMANTS
Before using an individual as a confidential informant, an officer must receive approval from the Patrol Supervisor. The officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

608.3.1 JUVENILE INFORMANTS
The use of juvenile confidential informants is discouraged due to a number of risks. They will only be used when the investigation is of such a nature as to justify the risks. The district attorney should be consulted and a parent or legal guardian's written consent shall be secured. Final approval to use a juvenile confidential informant must be obtained from the Chief of Police.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS
All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS
No member of the Sandy Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Sandy Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors
(b) Identities of informants shall otherwise be kept confidential
(c) Criminal activity by informants shall not be condoned
(d) Informants shall be told they are not acting as police officers, employees or agents of the Sandy Police Department, and that they shall not represent themselves as such
(e) The relationship between officers and informants shall always be ethical and professional
Confidential Informants

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Patrol supervisor.

(g) Officers shall not meet with informants unless accompanied by at least one additional officer or with prior approval of the Patrol Supervisor. All exchanges of confidential funds between officers and informants must be witnessed by at least one other officer.

(h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses. The voucher shall be signed by the informant using either their true name or a pseudonym registered with a signature in the informant packet. The voucher will also include the case number associated with the expenditure and a description of the benefit obtained (search warrant, arrest, recovered property, etc.)

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES
The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE
The amount of funds to be paid to any confidential 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 amount of assets seized.
• The quantity of the drugs seized.
• The informant's previous criminal activity.
• The level of risk taken by the informant.

The requesting officer will discuss the above factors with the Patrol Sergeant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police. For the purchase of drugs or property, the amount of payment will generally be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15%.

608.5.2 CASH DISBURSEMENT POLICY
The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized.
608.5.3 PAYMENT PROCESS
A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police and the City Manager's signatures are required for disbursements over $500. Payments $500 and under may be paid in cash out of the Patrol Buy/Expense Fund. The Patrol Supervisor will be required to sign the cash transfer form for amounts under $200. The Chief of Police must sign transfer amounts over $200.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Sandy Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

608.5.4 REPORTING OF PAYMENTS
Each confidential informant receiving a cash payment shall be informed 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 confidential informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential 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 confidential informant's file.
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
This 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
Officers 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 officer 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 FORM
The Investigations 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 and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.
Eyewitness Identification

(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 admonishment that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.
(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.
(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Officers 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. Officers 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.

610.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her 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 employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.
Eyewitness Identification

The order of the suspect or the photos and the fillers should be randomized before being presented to each witness.

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 officer should contact the appropriate prosecuting attorney before proceeding.

610.5.2 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 officer 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.
(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
(e) A person 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 suspects one at a time.
(g) A person in a field identification 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 an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances
Eyewitness Identification

officers should document the contact information for any additional witnesses for follow up, if necessary.

610.6 DOCUMENTATION
A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the 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.
Brady Material Disclosure

612.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "Brady information") to a prosecuting attorney.

612.1.1 DEFINITIONS
Definitions related to this policy include:

Brady information - Information known or possessed by the Sandy Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY
The Sandy Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Sandy Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.
612.4 DISCLOSURE OF PERSONAL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain Brady information. If Brady information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of Brady material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.
   1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant Brady material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
   1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant Brady information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain Brady information. The obligation to provide Brady information is ongoing. If any new Brady information is identified, the prosecuting attorney should be notified.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.
Warrant Service

613.1 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.

613.2 POLICY
It is the policy of the Sandy 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.

613.3 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.

613.4 SEARCH WARRANTS
Officers should receive authorization from a supervisor before preparing a search warrant application, excluding those for DUII. 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).

613.5 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
to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

613.6 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).

(i) A threat assessment of the location to include but not limited to the following information
   
   (a) Number of person present and known criminal history's of each.

   (b) Children, innocents and animals known or thought to be at the location.

   (c) House or building layouts (and numbers) and specific's on doors, windows and other hazards

   (d) Communications plan

   (e) Roles and responsibilities plan

NOTE: It is suggested that case officers use the SMEAC plan format for conducting a threat assessment and raid plan. (See attachments)
613.7 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).

(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.

613.8 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.
613.9 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.

613.10 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
- 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 Sandy Police Department are utilized appropriately. Any concerns regarding the requested use of Sandy 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 Sandy 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 Sandy Police Department when assisting outside agencies or serving a warrant outside Sandy Police Department jurisdiction.

613.11 MEDIA ACCESS
No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

613.12 TRAINING
The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee’s 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) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent 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) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Sergeant, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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 Finance Department.
Department Owned and Personal Property

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.
(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.
These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Sergeant.
Inventory Controls

701.1 PURPOSE AND SCOPE
In order to ensure that procedures are in place for accounting for agency owned property and other assets the Sandy Police Department will take the following steps.

1. Any item purchased by the department and issued for employee use will be tracked using an issued equipment form. This includes, but is not limited to weapons, phones, badges, identification and access cards and duty equipment.

2. Items purchased by the department for general use with a value greater than $5000.00 are added to the Mobile Equipment Insurance Schedule as well as the Asset Tracking Software maintained by the Finance Department. Checks for the equipment listed in the Asset Tracking Software are done annually.
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.

702.2 POLICY
The Sandy 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 PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and 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.

702.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.4 DEPARTMENT-ISSUED PCD
Depending on a member’s assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member’s use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.
Personal Communication Devices

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Sandy Police Department and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate...
compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

**702.6 USE OF PCD**
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

**702.7 SUPERVISOR RESPONSIBILITIES**
The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
   
   1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

(c) Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.
Personal Communication Devices

702.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORS 811.507). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE
Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.
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 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

• 20 Emergency road flares
• 1 Stick crayon or chalk
• 1 Roll Crime Scene Barricade Tape
• 1 First aid kit, CPR mask
• 1 Blanket
Vehicle Maintenance

- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 3 Hazardous waste disposal bags
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

704.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:
- 5 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Fire extinguisher
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection supplies
- 1 Camera

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.
Vehicle Maintenance

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

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 or lightbar covers 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.
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 Sandy to provide assigned take-home vehicles.

706.2 POLICY
The Sandy 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.

706.3 USE OF VEHICLES

706.3.1 INSPECTIONS
Members 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 shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.2 MOBILE DATA COMPUTER
Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Dispatch Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

706.3.3 KEYS
Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.
Vehicle Use

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

706.3.4 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.5 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.6 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.

706.3.7 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.

706.3.8 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.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members 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 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.
Vehicle Use

706.4.2 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 Sandy 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.

706.4.3 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 Sandy is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Sandy may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

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 Sergeant 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 Sergeants 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 Sergeants.

4. When the vehicle is being used by the Chief of Police, Sergeants 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, MDC 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 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.

706.4.4 ENFORCEMENT ACTIONS
When driving a take-home vehicle to and from work outside of the jurisdiction of the Sandy 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).
Vehicle Use

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.

706.4.5 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.

706.5 UNMARKED VEHICLES
Unmarked vehicles are assigned to various sections and their use is restricted to the respective section 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 section for that purpose. Any use of unmarked vehicles by those who are not assigned to the section 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.
Vehicle Use

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.
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 Sandy 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.
707.6 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Patrol 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.
Chapter 8 - Support Services
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.

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 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).

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:
Property and Evidence

(a) Complete the property form 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.

(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 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 Sandy 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 the Investigations Section, which shall assign a detective 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 assigned detective 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.

Where the identity of the sexual assault victim is not disclosed, a SAFE Kit and related evidence should be retained for 25 years, unless directed otherwise by a Investigations Section supervisor. However, in all cases such evidence shall be retained for a minimum of 180 days (ORS 147.397).

800.4 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 or detective. ORS 98.245 and 98.336 govern the disposition of property held by law enforcement agencies.

800.4.1 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 Sandy Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Sandy 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.

800.4.2 DISPOSITION
Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

(a) Destruction
(b) Sale at public auction
(c) Retention for public use

800.4.3 RETENTION OF BIOLOGICAL EVIDENCE
The Property and Evidence Section supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant’s attorney
(c) The appropriate prosecutor
(d) Any sexual assault victim
(e) The Investigations Section supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence Section supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigations Section supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigations Sergeant should be consulted and the sexual assault victim should be notified.

The Property and Evidence Section supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence.

800.5 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 Sergeant 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 an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
Records Section

802.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the Sandy Police Department Records Section. The policy addresses department file access and internal requests for case reports.

802.2 POLICY
It is the policy of the Sandy Police Department to maintain department records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 RECORDS MANAGER
The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Sergeant or the authorized designee.

The responsibilities of the Records Manager include, but are not limited to:
(a) Overseeing the efficient and effective operation of the Records Section.
(b) Scheduling and maintaining Records Section time records.
(c) Supervising, training and evaluating Records Section staff.
(d) Maintaining and updating a Records Section 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
(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 SECTION
The responsibilities of the Records Section 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.

802.4 CONFIDENTIALITY
Records Section staff has access to information that may be confidential or sensitive in nature. Records Section 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 other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

802.5 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 Section personnel to enter such information into the Sandy 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 181.550).
Cash Funds/Accounts - Policy and Practices

803.1 PURPOSE AND SCOPE
Purpose - The collection and control of cash is a very important function. This policy outlines policies and procedures that are to be followed when handling cash. These policies and procedures shall be implemented to the maximum degree practicable. Cash handling procedures are subject to announced and unannounced audits by the City Finance Director. Any employee who fails to comply with these policies and procedures may be subject to disciplinary action.

803.2 DEFINITIONS
Cash - Includes coin, currency, checks, drafts, money orders, electronic funds transfers, negotiable instruments and charge card transactions.

803.3 CASH RECEIPTS - RESPONSIBILITIES AND SEGREGATION OF DUTIES
The objective of cash receipt controls is to ensure that all cash is properly accounted for and timely deposited. These policies and procedures shall apply to all cash received by department employees.

Responsibilities:
• It is the responsibility of the records manager to document and implement proper operating procedures that comply with city policies and procedures.
• It is the responsibility of the records manager to provide the finance director with a copy of departmental operating procedures and any subsequent modification to those procedures.
• It is the responsibility of the records manager to train designated employees in cash handling polices and procedures.

Segregation of Duties: Whenever possible, the duties of collecting cash, opening mail, maintaining documentation (e.g. billing and accounts receivable ledgers), preparing deposits, and reconciling records should be separated amount different individuals. Where separation of duties is not possible, compensation controls such as strict individual accountability and through management supervisor and review are required.

803.4 CASH RECEIVING AND RECORDING
Cash Receiving and Recording
• Cash receipt records shall be maintained and prepared immediately for all cash received. Either prenumbered receipts, cash registers or other approved electronic receipting devices shall be used.
• Mail should be opened and processed on a timely basis. If the opening of mail is not segregated from the cashiering function, it should be opened and receipted in the presence of a coworker.
Cash Funds/Accounts - Policy and Practices

- All checks must be endorsed immediately with a restrictive endorsement payable to the City of Sandy.
- Cash collection duties should be assigned to specific individuals so there is a means of establishing accountability.
- Never leave cash items in or on desks or unattended. Cash receipts should be kept in a locked cash drawer at all times.

Prenumbered Receipts
- Prenumbered receipts will be used to document non-electronic transactions. All receipt supplies should be kept in a secure locked place under the control of a responsible person who is not the cashier.
- Receipts should contain the following information:
  - Date the receipt is issued
  - Name of the person/entity making the payment
  - Description of the nature of service
  - Amount of payment
  - Name of person receiving payment

Credit Card Transaction
- If a credit card is being used then the electronic devise used to accept credit cards must be utilized
- An electronic signature from the customer must be obtained
- An electronic receipt will be emailed to the Sandy PD for inclusion in our records

Payments by Check
- Checks are to be written to "City of Sandy". Any other information on the payee line is for the convenience of the department.
- All checks are to be restrictively endorsed immediately upon receipt.

803.5 BALANCING OF CASH RECEIPTS AND DEPOSITS

Balancing of Cash Receipts

All cash collected must be balanced weekly by comparing the total of actual cash received to the pre-numbered receipts totals or electronically produced receipts, as applicable. Currency and coin must be balanced separately from checks/credit cards by comparing actual currency and coin received to the cash total from the sum of the cash sales from the manual receipts.
Cash Funds/Accounts - Policy and Practices

The difference between recorded sales and the total cash counted should be recorded as cash over or short on the revenue transmittal form. Overages and shortages should be fully explained. Any large cash shortages should be immediate reported to the Chief of Police.

Deposits

Someone not involved with collecting cash or opening mail should prepare deposits. Where this is not possible, adequate supervising and review procedures need to be implemented.

All cumulative cash receipts of $500.00 or more shall be deposited with the City Finance Department no less than once per week. Receipts less than $500.00 may be held by receipting department and deposited when accumulated cash reaches $500.00.

803.6 INVESTIGATIONS FUNDS

A small amount of cash is retained under lock and key by the departments detective. The cash amount on hand is never to exceed $200.00 at any one time unless prior authorization from the Chief of Police is obtained.

Cash used for investigations purposes will be documented using an informant pay sheet, and the pay sheet will be held in the informants confidential file. Entries onto an informants pay sheet will include, the name and identification number assigned to the informant. The amount paid. The purpose for the payments. The signature of both the informant, the case officer and a supervisor.

An entry into a log indicating the amount paid and the associated confidential informant's identification number will be made to reconcile the balance of the fund.
Policy Manual

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 Sandy 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 tubular 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 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 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.

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.
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 Sandy Police Department is committed to providing public access to records in a manner that is consistent with the Oregon Public Records Law (ORS 192.001 et seq.).

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 192.430):

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(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 section 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 a current schedule of fees for public records as allowed by law is available (ORS 192.440(4)(5)).

(g) Preparing and making available to the public a written procedure that includes the name and address of where to obtain department records as well as the amounts and the manner of calculating fees for responding to requests for public records (ORS 192.440(7)).

806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS
Any department member who receives a request for records shall route the request to the Custodian of Records or the authorized designee.

806.4.1 REQUESTS FOR RECORDS
The processing of requests for records is subject to the following:

(a) Requests for public records shall be made in writing.

(b) The Department is not required to create records that do not exist.
(c) 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 192.505).

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.

(d) Responses to written requests for inspection or copies of public records shall be made as soon as practical without unreasonable delay. 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. All requests shall be acknowledged and shall include one of the following (ORS 192.440):

1. A statement that the Department does not possess or is not the custodian of the public record.

2. Copies of the requested public records, if no exemption applies under ORS 192.410 through ORS 192.505.

3. A statement that the Department is the custodian of some of the requested records, an estimate of time that the Department requires before the public records may be inspected or that the copies will be provided, and an estimate of the fees required of the requester.

4. A statement that the Department is the custodian of some of the requested records and that an estimate of the time and fees for disclosure of the public records will be provided within a reasonable time.

5. A statement that the Department is uncertain whether the Department possesses the public record and that the Department will search for the record and make an appropriate response as soon as practicable.

6. A statement that state or federal law prohibits the Department from acknowledging whether the record exists or that acknowledging whether the records exists 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.

(e) 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 matter it is maintained (ORS 192.440).

806.4.2 DENIALS

If the Custodian of Records determines that a requested record is not subject to disclosure or release, the Custodian of Records should inform the requestor of that fact and state the reason for the denial.

If the denial is challenged by the requester by petition to the Attorney General or the [District/County Attorney], the Department will have the burden to support the denial (ORS 192.450; ORS 192.460).
806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual’s photograph, Social Security and driver identification number, name, address, telephone number, and medical or disability information that is contained in any driver’s license record, motor vehicle record or any department record, including traffic collision reports, are 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 addresses, driver license numbers, employer-issued identification card numbers, emergency contact information, medical information or information of a personal nature that would constitute an unreasonable invasion of privacy (ORS 192.501; ORS 192.502)

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 192.447

(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 required by law (ORS 181.852)

(e) Photograph of public safety personnel without the written consent of that member (ORS 181.854)

(f) Personnel discipline action including materials or documents supporting the action unless allowed by law (ORS 181.854; ORS 192.501(12))

(g) Certain victim information, including participants in the Address Confidentiality Program (ORS 192.445; ORS 192.844)

(h) Certain juvenile records (ORS 419A.255; ORS 419A.257)

(i) Certain ongoing investigation material for criminal law purposes (ORS 192.501(3))

(j) Audio or video records of internal investigation interviews (ORS 192.405).

(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) Ongoing litigation records including those created in anticipation of potential litigation (ORS 192.501(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 192.448

(n) Specific operation plans in connection with an anticipated threat to individual or public safety (ORS 192.501(18))

(o) Any public records or information prohibited by federal law (ORS 192.502)

(p) Any public records or information prohibited, restricted or made confidential or privileged under Oregon law (ORS 192.502)
Records Maintenance and Release

(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 192.496).

(r) Records of a person who 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 25 years after termination of such custody or supervision. Disclosure of the fact that a person is in custody is allowed (ORS 192.496).

(s) Audio or video recordings from a member's body-worn camera that record the member's interaction with members of the public. Such recordings may only be disclosed under the conditions provided by ORS 192.501, including facial blurring.

(t) Personal information of complainants and of officers who are the subject of racial or bias-based profiling complaints. Personal information for this purpose means 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 (2015 Oregon Laws c 681 § 3; ORS 807.750).

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/County 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.

806.7 RELEASED RECORDS TO BE MARKED
Each page of any record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

806.8 SECURITY BREACHES
In the event of an unauthorized acquisition of personal information, the Chief of Police or the authorized designee shall ensure that an investigation into the breach is made and applicable steps pursuant to ORS 646A.602 et seq. are taken.

Required notice shall be made as follows (ORS 646A.604):

(a) Notice shall be made to any individual whose private or confidential data was or is reasonably believed to have been breached. Notice shall be provided in the most expeditious manner possible, without unreasonable delay, unless the notice impedes a criminal investigation.
1. The notice shall be made as set forth in ORS 646A.604 and include a general description of the breach of security; the approximate date of the breach; the type of information that was compromised; the contact information for national consumer reporting agencies; and that any suspected identity theft should be reported to law enforcement, the Attorney General and the Federal Trade Commission.

(b) When notice is delayed because it will impede an active criminal investigation, the member in charge of the investigation must document the reason why a delay in notification is necessary to the investigation.

(c) Provide substitute notice if notification would cost more than $250,000 or if there were more than 350,000 individuals whose personal information was breached.

(d) If notification is required to be made to more than 1,000 individuals, the Sandy Police Department should also notify consumer reporting agencies.

(e) Provide notice to the Oregon Attorney General if the breach involves the personal information of more than 250 people.

(f) Document when a breach of security is unlikely to cause any harm and does not require notification. In these cases, the documentation shall be maintained for at least five years.
Computerized Criminal Offender Information/Computerized Criminal History (CCH)

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 Sandy 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 Sandy 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 Sandy 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.

808.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Sandy 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 PATROL OFFENDER INFORMATION
Access to Oregon State Patrol (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

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.

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 Manager 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 Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other 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 192.501(3), and after complying with all legal requirements.

This department will not release information originated by any other agency (ORS 192.410 through ORS 192.505). 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.

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).

808.7.2 ELECTRONIC MEDIA SANITATION AND DISPOSAL
The Sandy Police Department Records Manager will ensure that any electronic Media no longer needed is destroyed or sanitized by city IT personnel. Inoperable electronic media shall be destroyed (cut up, shredded or incinerated). Written documentation of the steps taken to sanitize or destroy electronic media will be maintained by the Records Manager. Any sanitation or destruction will be witnessed or carried out by authorized personnel.

808.7.3 DISPOSAL OF PHYSICAL MEDIA
Physical media shall be securely disposed of when no longer required, by means of shredding or incinerating. Disposal or destruction will be witnessed or carried out by authorized personnel.

808.7.4 MEDIA IN TRANSIT
Electronic Media in Transit:
"Electronic media" means electronic storage media including memory devises in laptops and computers (hard drives) and any removable transportable digital memory media, such as magnetic tape or disk, optical disk, flash driver, external hard drives, or digital memory card.

Extreme care and caution will be used when transporting any form of electronic media. Personnel are required to safe guard all forms of electronic media to ensure that they are not lost, stolen or otherwise compromised. Any theft or loss of Electronic Media must be reported immediately. Vehicles must be locked to prevent theft of laptops from patrol cars. Sensitive information should not, as a general rule, be transfered to thumb drives or CDs unless those items are going to be secured as evidence or used for official business. All forms of electronic media are to be treated as evidence and given the same care in regard to chain of custody.

Physical Media in Transit:
"Physical Media" means printed documents, printed imagery, etc. Physical media shall be protected at the same level as the information would be protected in electronic form.
Computers and Digital Evidence

810.1 PURPOSE AND SCOPE
Officers will follow the Sandy Police Department Evidence Policy and Procedure Manual for handling of all computer and digital evidence.
Animal Control

816.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for animal control officers and Sandy Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

816.2 ANIMAL CONTROL OFFICER RESPONSIBILITY
The animal control officer (ACO) shall be responsible for enforcing local ordinances relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The animal control officer shall be under the operational control of the Patrol Section. The animal control officer's assigned working hours will be scheduled by the Patrol Sergeant.

During hours when the animal control officer is on duty, requests for animal control services shall be assigned by the the Dispatch Center or the Patrol Sergeant.

Requests for assistance by the animal control officer shall be acknowledged and responded to promptly.

816.3 OFFICER RESPONSIBILITY
During hours when the animal control officer is off-duty, or if the animal control officer is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

An officer may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an animal control officer. Due to the hazards of handling animals without proper equipment, a responding officer generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of an animal control officer. The following are examples of when an officer may consider acting before the arrival of the animal control officer:

(a) When there is a threat to the public safety.
(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
(c) When an animal is creating a traffic hazard.
(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
(e) When the animal is gravely injured.
816.3.1 ANIMAL CRUELTY COMPLAINTS
An ACO who becomes aware of an animal cruelty complaint will request an officer to respond and assume the investigation. When probable cause exists, an officer shall arrest persons who violate certain cruelty to animal statutes (ORS 133.379). An ACO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animals associated with the case.

816.3.2 STRAY DOGS
Attempts should be made to contact the owner of the stray dog. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If the animal is not released, it shall be transported to the Animal Shelter during normal business hours or alternatively to the department the holding pens. The transporting employee shall ensure the animal has sufficient food, water, and bedding.

The animal pick-up form must be completely filled out and placed in the ACO's box, with a copy forwarded to the Animal Shelter.

The animal control officer will transport any animals in the holding pens to the Animal Shelter as soon as he/she comes on duty. Once a dog has been taken into custody, all releases will be handled by the Animal Shelter. In cases where the ACO is not available, the Patrol Sergeant shall designate an alternate employee to transport so that animals are not held in the holding pens unnecessarily for extended periods.

816.3.3 ANIMAL BITE REPORTS
Officers shall obtain as much information as possible for forwarding to the animal control officer for follow-up. An Animal Bite Report Form must be completely filled out and attached to the incident report, with a copy forwarded to the County Health Department.

Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

816.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint including identity of the complaining person, owner information (if possible) and location of the problem. Officers will also document any actions taken and citation(s) issued in any related report.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the animal control officer may be called to duty to handle. If the animal control officer is unavailable, a supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the animal control officer must be approved by a field supervisor or the Patrol Sergeant.
816.4 DECEASED ANIMALS
Deceased animals on public property will be removed and properly disposed of by the animal control officer. Field officers will remove deceased animals when the animal control officer is not on duty. The deceased animals may be placed in the dead pan of the ACO truck.

(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck.

(b) Neither the ACO nor any Officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

Large animals such as deer, elk, coyotes, etc., should be moved to the side of the roadway, if possible, for later removal by the Road Department.

816.5 INJURED ANIMALS
When any injured domesticated animal is brought to the attention of a member of the Sandy Police Department, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic

(b) If after normal business hours, the animal should be taken to an authorized veterinary emergency and critical care services clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When the need to euthanize a seriously injured or dangerous animal exists, the department Firearms Policy shall be followed. The decision to euthanize a seriously injured animal will rest with the supervisor.

(d) Injured wildlife should be referred to the Marine Mammal Center, Oregon Department of Fish and Wildlife or the Oregon State Police, as applicable.

(e) When handling dead or injured animals police department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented to include, at minimum, the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the animal control officer is off duty, the information will be forwarded for follow-up.

816.6 CITATIONS
It should be at the discretion of the officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.
816.7 POST-ARREST PROCEDURES
The arresting officer should make a reasonable effort to ensure that animals or pets under a person’s care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

 Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.
Code Compliance Program

817.1 PURPOSE AND SCOPE
The Code Compliance program was designed to establish uniform practices for receiving complaints and resolving violations of litter, nuisance, development, sign codes, and animals (dogs only). Additionally, the program is designed to:

" Reinforce public service standards that help build positive community relationships.

" Contribute to overall community improvement and resident satisfaction through elimination of unsightly, unhealthful, or hazardous property conditions.

" Ensure compliance with zoning and development codes.

" Identify available resources to assist individuals who may not be able to resolve a violation on their own. Engage community and civic groups that can help persons with special needs.

817.2 AUTHORITY AND ADMINISTRATION
The Code Compliance Program is administered by the Chief of Police.


817.3 BASIS FOR INSPECTION
Inspections may be based on citizen complaints or on city initiative where potential violations are observed.

817.4 PUBLIC SERVICE AND OPERATING VALUES
Positive relationship-building between citizens and city government will be emphasized throughout the compliance process.
Code Compliance Program

"" Compliance activities will be sensitive to an individual’s particular circumstances that might account for, or contribute to, the occurrence of violation or limit their ability to readily resolve it.

"" Compliance actions will be conducted professionally, respectfully, and in a manner that reflects well upon the City.

"" Compliance activities will be technically correct to ensure consistency with applicable laws and to protect against liability.

"" Compliance activities will be applied fairly and uniformly throughout the City.

817.5 PUBLIC INFORMATION AND OUTREACH PRACTICES
From time-to-time, the Compliance Program will use the following methods to help educate and inform the public about city code requirements.

"" Direct Contact with Property Owners and Complainant

"" Targeted mailings

"" City Newsletter

"" City Website

"" Area newspaper

"" Counter Handouts

"" Council and Commission Presentations

"" City or other event booths/information.

"" Annual Spring Clean-up and other neighborhood events.

817.6 POLICY FEEDBACK
A high number of the same code violation may indicate a need to examine the policy basis of applicable regulations. Social, economic, and technological changes can result in gaps between community norms or expectations and city regulations. Compliance cases will be monitored to identify conditions that warrant policy review. Alternatively, a high incidence of similar violations may suggest the need for targeted compliance efforts.

817.7 PROTECTING PERSONAL SAFETY AND STRATEGIES FOR MANAGING DIFFICULT SITUATIONS
Compliance personnel must be aware of situations in which their safety may be compromised due to criminal activity or aggravated persons and will receive training in dealing with difficult people and identifying risk situations.

817.8 DOCUMENTATION, RECORDS KEEPING AND SYSTEMS MANAGEMENT
"" Records will be maintained in accordance with State of Oregon record retention requirements except where higher standards are employed
"" All complaints, inspection results, research, internal and external communications, and correspondence will be maintained in the case file. Exclusions to this policy include privileged and confidential materials, which will be maintained with the City Attorney and Community Development Administrative Assistant.

"" Compliance activities will be documented to ensure comprehensive and accurate legal records.

" Code Enforcement officers are responsible for maintaining active case files. The Police Department's Officer Manager is responsible for ensuring compliance with Oregon Public Retention Law and administrative systems that support day-to-day code compliance activities.

**817.9 INTERDEPARTMENTAL COOPERATION**
It is not uncommon for violations of building, fire, and municipal code to be present on the same site. Code compliance activities will be coordinated to ensure efficient resolution of all code violations.

**817.10 OUTSIDE RESOURCES**
The City will maintain a list of references for mediation services, social agencies and volunteer and civic groups that may be able to assist citizens with special needs to resolve code violations.

**817.11 CODE ENFORCEMENT PROCESS**
A. Complaints may be received by telephone, e-mail, or in-person, and should be directed to the on duty Code Enforcement officer. However, any staff person may receive a complaint.

B. Complaints received by e-mail will be forwarded to the on duty Code Enforcement Officer. C. When a Code Enforcement Officer is not on duty, the complaint form, copy of the email, or phone message will be placed in the mail slot for the Code Enforcement Officer that will be on duty the next work day.

D. Complainant information is not required but is strongly encouraged so that the City can get additional information if needed or report back on the status of the compliance action. In some cases the complainant may not wish to report their identity due to fear of retribution or other reasons.

E. Procedures for protecting complainant identity from disclosure will be provided by the City Attorney.

F. Record all necessary information on the complaint form. G. Use ClassWeb to enter the complaint electronically and to get a case number. Place the case number on the complaint form. H. Log the complaint into the log book, completing all sections of the log. I. Identify the Sandy Municipal Code section that applies to the compliant. If the complaint falls under another department's jurisdiction, refer the complaint to the appropriate department. J. Complaints will be prioritized based on the following standards. 1. Threat to public health, safety and welfare If the alleged violation could pose a potential threat to the public health, safety, and/or welfare of the property owners, renters, or surrounding properties in any way, the complaint will be made
a top priority. 2. Severity of violation: Staff is given the discretion to determine the severity of an alleged violation. Severity should be determined based on the intensity of the violation and whether the violation poses an immediate threat. For example, the number of discarded vehicles, amount of solid waste, extent of alterations in a riparian buffer area, etc. This determination of "severity" should be made relative to other complaints received before or at the time the complaint is received. 3. Repeat/chronic violators: Complaints of alleged violations at properties that have had one or more previous violations will take priority over first-time offenders with the same or a similar complaint, given that the complaint does not qualify as a priority under the other prioritization criteria. 4. Initial responses and investigations on new complaints may be delayed due to demands of managing cases that are already in progress or other departmental work load needs. If a delay is going to occur, notify a supervisor immediately. That supervisor may make the decision to assign a police officer to the case. K. Determining the Code Basis of the Complaint: 1. Within three business days of receiving a complaint, the Code Enforcement officer will determine if a potential violation exists by identifying applicable codes in relation to information provided in the complaint.

2. If it appears that a violation exists an inspection will be conducted to verify the violation.

3. If a violation exists, the investigating Code Enforcement Officer will set-up a digital case file and a paper file folder. The report will be placed in the report review box for supervisor review. The file should include the complaint form, a communication/inspection log, pictures and other information related to receipt of the complaint. The digital and paper file shall be updated regularly documenting any activity associated with the open case including but not limited to all incoming and outgoing correspondence and site inspections. The case file will be put into the file cabinets with the police reports.

4. If it appears that no violation exists due to the condition not being regulated, the complainant will be notified. Additional complainant information may lead to clarification and the need for an inspection.

5. If no violation exists, the complainant will be notified and the complaint form and related documents will be updated and placed in the review box for supervisor review prior to the final filing of the documents in the police records filing system. L. Investigations and Initial Inspection:

1. Property owner or other responsible party information should be obtained before conducting a site inspection unless there is no need for personal contact to confirm the complaint, such as violations clearly visible from an offsite location.

2. All sites that have a potential violation will be inspected within three business days of receipt of the complaint.

3. Site inspections will be documented by photographs and written inspection report. All code violations subject to regulations covered by these procedures shall be identified and documented for the purpose of establishing each separate offense. These finding will be used as the basis for abatement demands, imposition of penalties, and as evidence in potential legal proceedings.
4. Where violations are found, the Code Enforcement Officer will issue a warning letter with a 14 day compliance deadline (see attached example). The letter will include, at a minimum the following information: A standard 2-week period to correct the violation applies, except in cases where special circumstances warrant more or less time. Where special conditions exist, they will be documented in the agreement. Specify all violations and exactly what must be done to correct them. A statement describing penalties for each offense that will apply from the date of the agreement if not satisfied. A statement indicating the date or dates by which violations must be corrected. A statement indicating that any repeat violation following satisfaction of the agreement will result in direct enforcement action. A statement thanking the responsible party for their cooperation.

M. Compliance Strategies:

1. In cases not involving persistent, hazardous, or public health and safety conditions, a progressive compliance approach will be used as follows: "Inform and educate the responsible party. "Provide the responsible party an opportunity to correct the condition. "Pursue legal enforcement and penalties for failure to correct. 2. In all cases, any special needs or conditions of the responsible party that may impede their ability to correct a violation will be considered and fairly accommodated. The potential use of outside resources to assist the responsible party will be considered.

3. Formal abatement procedures will be used in cases needing immediate attention due to hazardous or public health and safety conditions, in cases of uncooperative responsible parties, or as a final action of other strategies. Abatement procedures shall be conducted in accordance with applicable sections of the Sandy Municipal Code.

N. Re-inspection: Re-inspection following a compliance order or agreement shall be conducted to determine whether the violation has been corrected. Re-inspections shall be scheduled in accordance with terms of the initial compliance agreement, warning of violation, or abatement notice. Re-inspections are to be document by photograph and written report. 1. In cases where the re-inspection confirms correction of the violation, a letter will be provided to the responsible party thanking them for their cooperation and noting correction of the violation. 2. In cases where re-inspection confirms the violation has not been corrected, the property owner will be cited into municipal court.
the Dispatch Center

819.1 PURPOSE AND SCOPE
This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

819.1.1 CODE OF ETHICS
All communication personnel at the Sandy Police Department shall conduct themselves in accordance with the tenets of the Telecommunicator’s Code of Ethics.

The Communications Manager shall ensure that newly hired communications specialists working under his/her supervision read and sign a copy of the Telecommunicator’s Code of Ethics during their initial training and orientation period. The signed copy shall be retained in the employee’s personnel record.

819.2 POLICY
It is the policy of the Sandy Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between the Dispatch Center and department members in the field.

819.3 THE DISPATCH CENTER SECURITY
The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Patrol Sergeant, command staff and department members with a specific business-related purpose.

819.4 RESPONSIBILITIES

819.4.1 COMMUNICATIONS MANAGER
The Chief of Police shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Patrol Sergeant or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.

(b) Scheduling and maintaining [dispatcher] time records.

(c) Supervising, training and evaluating [dispatcher]s.
(d) Ensuring the radio and telephone recording system is operational.
   1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of the Dispatch Center information for release.

(f) Maintaining the Dispatch Center database systems.

(g) Maintaining and updating the Dispatch Center procedures manual.
   1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
   2. Ensuring [dispatcher] compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

819.4.2 ADDITIONAL PROCEDURES
The Communications Manager should establish procedures to ensure:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for [dispatcher]s (e.g., watch commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for the Dispatch Center (e.g., security cameras, fences.

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.
819.4.3 [dispatcher]s report to the Communications Manager. The responsibilities of the [dispatcher] include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:
   1. Emergency 9-1-1 lines.
   2. Business telephone lines.
   3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
   4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
   5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Dispatch Center, department and other law enforcement database systems.

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Patrol Sergeant or field supervisor of emergency activity, including, but not limited to:
   1. Vehicle pursuits.
   2. Foot pursuits.
   3. Assignment of emergency response.

819.5 CALL HANDLING
This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number (ORS 403.115).

When a call for services is received, the [dispatcher] will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?
If the [dispatcher] determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the [dispatcher] determines that the caller is a limited English proficiency (LEP) individual, the [dispatcher] should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the [dispatcher] should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the [dispatcher] is unable to identify the caller’s language, the [dispatcher] will contact the contracted telephonic interpretation service and establish a three-party call connecting the [dispatcher], the LEP individual and the interpreter.

[Dispatcher]s should be courteous, patient and respectful when dealing with the public.

819.5.1 EMERGENCY CALLS
A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the [dispatcher] has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Patrol Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

819.5.2 NON-EMERGENCY CALLS
A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the [dispatcher] to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the [dispatcher] returning to the telephone line or when there will be a delay in the response for service.

819.6 RADIO COMMUNICATIONS
The police radio system is for official use only, to be used by [dispatcher]s to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the [dispatcher] with their radio identification call signs and current location.
(b) [Dispatcher]s acknowledging and responding promptly to all radio transmissions.
(c) Members keeping the [dispatcher] advised of their status and location.
(d) Member and [dispatcher] acknowledgements shall be concise and without further comment unless additional information is needed.
The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

819.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Sandy Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

819.6.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. [Dispatcher]s shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the [dispatcher]. The use of the call sign allows for a brief pause so that the [dispatcher] can acknowledge the appropriate member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

819.7 DOCUMENTATION
It shall be the responsibility of the Dispatch Center to record all relevant information on calls for service or self-initiated activity. [Dispatcher]s shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident control number
- Date and time of request
- Name and address of reporting person, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of members assigned as primary and backup
- Time of dispatch
- Time of the member’s arrival
- Time of member’s return to service
- Disposition or status of reported incident
819.8 CONFIDENTIALITY
Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.
Chapter 9 - Custody
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 Sandy 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 are in custody and 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 Sandy Police Department prior to being released or transported to a housing or other type of facility.

900.1.2 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).

900.2 POLICY
The Sandy 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 GENERAL CRITERIA AND SUPERVISION
No adult should be in temporary custody for longer than four hours (ORS 169.005).

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 Sandy Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:
Temporary Custody of Adults

(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 has a medical condition, including pregnancy, or 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.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, male department members should not enter the cell of a female unless a female department member is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.4 INITIATING TEMPORARY CUSTODY
The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications...
Temporary Custody of Adults

of suicidal intent. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Patrol Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Sergeant shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall do the following:

(a) Advise the Patrol Sergeant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Avoid placing an adult in a cell with another adult unless no other cell is available. When such placement is necessary, members shall:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

   (a) Continuous, direct sight and sound supervision.

   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Sergeant will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.
Temporary Custody of Adults

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
   1. This notification should be documented.

(b) Determine whether the foreign national’s country is on the U.S. Department of State’s mandatory notification list.
   1. If the country is on the mandatory notification list, then:
      (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
      (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
      (c) Forward any communication from the individual to his/her consular officers without delay.
      (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual’s file.
   2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
      (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
      (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS
Any time an individual is in temporary custody at the Sandy 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.
(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 Sandy Police Department.

The Patrol Sergeant should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.
Temporary Custody of Adults

The Patrol Sergeant should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS
Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.
(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
   1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
   2. This does not apply to surreptitious and legally obtained recorded interrogations.
(c) There is reasonable access to toilets and wash basins (ORS 169.078).
(d) There is reasonable access to a drinking fountain or water.
(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
(f) There is privacy during attorney visits.
(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
   1. The supervisor should ensure that there is an adequate supply of clean blankets.
(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
(j) Adequate furnishings are available, including suitable chairs or benches (ORS 169.078).

900.5.3 MEDICAL CARE
First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Sandy Police Department. They should be released or transferred to another facility as appropriate.
900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE
Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. 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 may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS
Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
   1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
   1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION
Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.
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900.5.7 FIREARMS AND OTHER SECURITY MEASURES
Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (ORS 169.078). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

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 or leg irons, generally should not be used for individuals in temporary custody at the Sandy 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 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 Chief of Police.

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.

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.
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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.

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/video 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.

   1. Safety checks should be at varying times.
   2. All safety checks shall be logged.
   3. The safety check should involve questioning the individual as to his/her well-being.
   4. Individuals who are sleeping or apparently sleeping should be awakened.
   5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY
The Patrol Sergeant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Sandy 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 Investigations Sergeant

(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/JOP]

(g) Evidence preservation

900.9.1 ESCAPE FROM CUSTODY
In the event a prisoner escapes custody, the officer shall do the following;

1. Immediately notify C-Com the escape, including a description of the suspect, direction of travel, known violence, pending charges (if other than escape).
2. Evaluate the situation and use discretion before pursuing the suspect alone.

3. Notify the shift supervisor of the situation, and initiate steps to locate the suspect.

4. If the suspect is apprehended, a complete and detailed report will be completed and forwarded to the shift supervisor.

5. If the suspect is not apprehended, a complete and detailed report should be submitted to the DA's office for a warrant request.

**900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Sandy Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

   1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as required.

**900.11 ASSIGNED ADMINISTRATOR**

The Patrol Sergeant will ensure any reasonably necessary supplemental procedures are in place to address the following issues (ORS 169.078):

(a) General security

(b) Key control
Temporary Custody of Adults

(c) Sanitation and maintenance
(d) Emergency medical treatment
(e) Escapes
(f) Evacuation plans
(g) Fire- and life-safety
(h) Disaster plans
(i) Building and safety code compliance

900.12 TRAINING
Department members should be trained and familiar with this policy and any supplemental procedures.
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 Sandy 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 trace evidence from an individual in custody.

902.1.1 DEFINITIONS
Definitions related to this policy include:

Custody Search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY
All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

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.
Custodial Searches

902.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Sandy 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.

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.

902.4.1 PROPERTY
Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Sandy Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY
All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. 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. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4.3 RECEIPT FOR PROPERTY OR MONEY
The officer or other member charged with such inventories shall ensure that the individual receives a receipt for any money or other property received and should have the individual countersign both the original and duplicate receipt. Members will otherwise comply with ORS 133.455 if the individual is unable to sign.
Custodial Searches

902.5 STRIP SEARCHES
No individual in temporary custody at any Sandy 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 Sandy 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.

(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.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Patrol Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Sergeant authorization does not need to be in writing.

902.5.3 SEARCH OF PATROL/TRANSPORT VEHICLES
Prior to and after a prisoner is placed into a patrol or transport vehicle, the vehicle will, if possible, be searched for weapons, contraband and means of escape.

902.5.4 SEARCH OF HOLDING ROOMS
Prior to and after a prisoner is placed into a temporary holding room, the room will, if possible, be searched for weapons, contraband and means of escape.
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.

(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 Sergeant 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.
Holding Room's

903.1 HOLDING ROOM USE, DOCUMENTATION AND DETENTION LENGTH

A. Any custody lodged in the temporary holding rooms at the Sandy Police Department shall constantly be monitored by the audio/video system during the entire detention.

B. An in person visual inspection shall be done to ensure the welfare of the custody and shall be conducted at least once each half hour, until released or transported to another facility. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by the arresting officer or a designee of the Patrol Sergeant, and the visual inspection shall be logged in the holding room log. More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill custody being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk.

C. It is the arresting officer’s responsibility to notify the Patrol Sergeant, desk personnel, and/or detective personnel that a detention has begun. The custody must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of four hours.

D. A written record will be maintained on a detention log located outside the detention room. This log will include the name of the custody, date of birth of the custody, charges for which the custody is being detained, the time the detention began and the case number. It is the responsibility of the arresting officer to monitor the custody and to prepare the necessary paperwork to process the custody. When the arresting officer is not available, the Patrol Sergeant, or his/her designee, shall be responsible for monitoring the custody and ensure that appropriate paperwork is prepared to process the custody.

D. A thorough inspection of the detention room shall be conducted before placing a custody into the room. A second inspection shall be conducted after removing the custody. Any damage noted to the room shall be photographed and documented in a crime report. In accordance with ORS 169.078 Standards for temporary hold facilities.

E. Each temporary hold should include or:

(1) Provide access to sanitation facilities.

(2) Provide adequate seating.

(3) Maintain supervision of prisoners or detainees when confined. Such supervision may include the use of electronic monitoring equipment when approved by the Department of Corrections and the governing body of the area in which the facility is located.

(4) Prohibit firearms from the secure area except in times of emergency.

(5) Keep the facility safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code. [1979 c.487 §8 (enacted in lieu of 169.075); 1987 c.320 §94]
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 Sandy 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 Sandy 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 Sandy 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 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

904.3.1 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:
(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
Prison Rape Elimination

(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.

904.3.2 PATROL SERGEANT RESPONSIBILITIES

The Patrol Sergeant shall investigate or appoint an investigator and document 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 Chief of Police 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).

904.4 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).

904.4.1 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 Sandy 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.
Prison Rape Elimination

(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.

904.4.2 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).

904.4.3 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)).

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).

904.4.4 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.
904.5 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.

904.6 REVIEWS AND AUDITS

904.6.1 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 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).
904.8 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 Sergeant 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.
- 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 Sergeant 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.
Persons In Custody Inventory

905.1 PURPOSE AND SCOPE
This policy is intended to govern the process for conducting an inventory of the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search and seize possessions for other purposes.

905.1.1 DEFINITIONS
For the purposes of this policy, the following definitions shall apply,

Valuables: Cash money of an aggregate amount of $50 or more; or individual items of personal property with a value of over $500.

Open container: A container that is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

Closed container: Means a container whose contents are not exposed to view

Police Custody: A. The imposition of restraint as a result of an "arrest" as that term is defined in ORS 133.005(1); B. The imposition of actual or constructive restraint by a police officer pursuant to a court order; C. The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; OR D. The imposition of actual or constructive restraint by a police officer for the actual purpose of taking the retrained person to an approved facility for the involuntary confinement of a person pursuant to Oregon Law.

Police Officer: Any officer of the Sandy Police Department

905.1.2 PROCEDURE
A. An officer will inventory the personal property in the possession of a person taken into custody and such inventory will be conducted whenever;

1. Such person will be either placed in a secure police holding room or transported in the secure portion of a police department 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 the involuntary confinement of person pursuant to Oregon Revised Statute.

B. The purpose of the inventory of a person will be to:

1. Promptly identify property to establish accountability and avoid spurious claims to property;

2. Fulfill the requirements 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 person and property.

C. Inventories of the personal property in the possession of such person will be conducted according to the following procedures:

1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if there is a reasonable suspicion to believe that the safety of the officers or person in custody is at risk, an inventory will be done as soon as is safely practical prior to the transfer of custody to another law enforcement agency or facility.

2. To complete the inventory of the personal property in possession of such person, the officer will remove all items of personal property from clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.

3. Inventories of the contents of a closed container in the possession of such person should only be conducted when:
   a. The closed container is to be placed in immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room; or
   b. Such person requests that the closed container be with them in a secure portion of a police vehicle or secure police holding room; or
   c. The closed container is designed for carrying money and/or small valuables on or about the person. This includes, but is not limited to, closed purses, closed wallets, closed backpacks, closed briefcase and closed fanny packs.
   d. Valuables found during the inventory process will be noted by the officer in a report at directed by the Police Department.

D. All items of personal property not left in the immediate possession of the person in custody and not left with the facility or agency accepting custody of the person will be handled in the following manner:

1. A property receipt will be prepared listing the property to be retained in the possession of the City and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person; and
2. The property shall be logged in as safekeeping, placed into a property locker and left for the evidence custodian for future release to the owner.
Persons In Custody Inventory

E. All items of personal property not left in the immediate possession of the person in custody and not dealt with as provided in subsection d above, will be released to the facility or agency accepting custody of the person so that they may hold the property for safekeeping on behalf of the person in custody.

F. Reporting Officers shall document all inventories of a person in the appropriate written report.
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
The employment policy of the Sandy shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Sandy Personnel Department.

1000.2 APPLICANT QUALIFICATIONS AND SELECTION PROCESS
Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.2.1 MINIMUM REQUIREMENTS
All persons hired by this department must meet the applicable minimum standards established by law, in addition to any standards established by this department. The Administration supervisor shall ensure that:

(a) Persons hired as law enforcement officers by this department meet the minimum employment standards and requirements set by the Oregon Department of Public Safety Standards and Training (DPSST) (OAR 259-008-0010 and OAR 259-008-0070).

(b) Persons hired as telecommunicators by this department meet the minimum employment standards and requirements set by the DPSST (OAR 259-008-0011 and OAR 259-008-0070).

(c) Persons hired for any other position meet the requirements established by this department.

(d) Personal history investigations for law enforcement officer and telecommunicator positions are conducted and retained appropriately and that all applicants are interviewed personally, prior to employment, by the Chief of Police or the authorized designee (OAR 259-008-0015).

1000.3 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Sandy Personnel Department maintains standards for all positions.

The dilemma facing the Department is one of developing a job-valid and non-discriminatory set of policies which will allow it to lawfully exclude persons who do not meet the Sandy or State of Oregon hiring standards. The disqualifiers listed below are examples and are not intended to be all inclusive. Other factors may also disqualify applicants. Final decisions will be at the discretion of the Chief of Police.

The following standards have been adopted for public safety applicants:
1000.3.1 OPERATION OF A MOTOR VEHICLE
(a) The ability to possess a valid Oregon driver’s license
(b) The ability to drive safely
(c) The ability to control a motor vehicle at high speeds
(d) The ability to operate a motor vehicle in all types of weather conditions
(e) The following shall be disqualifying:
   1. Receipt of three or more moving violations (or any single instance of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
   2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
   3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 INTEGRITY
(a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
(c) Showing strong moral character and integrity in dealing with the public.
(d) Being honest in dealing with the public.
(e) The following may be disqualifying:
   1. Any material misstatement of fact or significant omission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
   2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW
(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
(b) The following may be disqualifying:
1. Conviction of any criminal offense classified as a misdemeanor under Oregon law within three years prior to application
2. Conviction for two or more misdemeanor offenses under law as an adult
3. Conviction of any offense classified as a misdemeanor under Oregon law while employed as a peace officer (including military police officers)
4. Admission(s) of having committed any act amounting to a felony (including felonies treated as misdemeanors at sentencing) under Oregon law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
6. Admission(s) of any act of domestic violence as defined by law, committed as an adult
7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than three years difference in age existed at the time of the acts
8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 DEPENDABILITY
(a) A record of submitting reports on time and not malingering on calls
(b) A record of being motivated to perform well
(c) A record of dependability and follow through on assignments
(d) A history of taking the extra effort required for complete accuracy in all details of work
(e) A willingness to work the hours needed to complete a job
(f) The following may be disqualifying:
   1. Missing any scheduled appointment during the process without prior permission
   2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations
3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
4. Having a work history that indicates an inability to maintain a long-term relationship with an employer or to establish and work toward achieving long-term goals
5. For officer applicants having undergone personal bankruptcy more than once; having current financial obligations for which legal judgments have not been satisfied; currently having wages garnished; or any other history of financial instability. The credit history of an applicant or employee shall not be used or obtained as part of an employment decision, including hiring, discharge, promotion or demotion, unless the position qualifies as a public safety officer as defined in OAR 839-005-0075 (ORS 659A.320).
6. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged
7. Having any outstanding warrant of arrest at the time of the application

1000.3.5 LEARNING ABILITY
(a) The ability to comprehend and retain information
(b) The ability to recall information pertaining to laws, statutes, codes, etc.
(c) The ability to learn and to apply what is learned
(d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
(e) The following may be disqualifying:
   1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
   2. Having been academically dismissed from any DPSST certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another DPSST basic law enforcement academy shall rescind this requirement

1000.3.6 PERSONAL SENSITIVITY
(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
(b) Empathy
(c) Discretion, not enforcing the law blindly
(d) Effectiveness in dealing with people without arousing antagonism
Recruitment and Selection

(e) The ability to understand the motives of people and how they will react and interact

(f) The following may be disqualifying:
   1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
   2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
   3. Having been disciplined by any employer as an adult for fighting in the workplace

1000.3.7 JUDGMENT UNDER PRESSURE
(a) The ability to apply common sense during pressure situations
(b) The ability to make sound decisions on the spot
(c) The ability to use good judgment in dealing with potentially explosive situations
(d) The ability to make effective, logical decisions under pressure
(e) The following may be disqualifying:
   1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
   2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS
(a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
   1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
   2. Any adult use or possession of marijuana within one year prior to application for employment
   3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
   4. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
   5. Any adult manufacture or cultivation of a drug or illegal substance
Recruitment and Selection

6. Failure to divulge to the Department any information about personal illegal use or possession of drugs

7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected

(b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:

1. Any illegal use or possession of a drug as a juvenile

2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)

3. Any illegal or unauthorized use of prescription medications
Evaluation of Employees

1002.1 PURPOSE AND SCOPE
The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY
The Sandy Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS
Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. 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 attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.
Reserve officer evaluations are covered in the Reserve Officers Policy.

Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

Permanent employees are subject to two types of performance evaluations:

- **Regular** - For patrol personnel and those assignments/positions that have scheduled shift changes, an evaluation "Employee Performance Summary" shall be completed twice a year in conjunction with the January and July shift changes. These two "Employee Performance Summary" forms will be combined in January of each year to make up one formal evaluation. For those assignments that do not require a shift change and/or change in direct supervision, the evaluations shall be completed each January.

- **Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (work plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

- **Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

- **Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

- **Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

- **Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.
Evaluation of Employees

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.6 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.

1002.7 EVALUATION REVIEW
After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Sergeant). The Sergeant shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Sergeant shall evaluate the supervisor on the quality of ratings given.

1002.8 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee.
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 Sandy 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 . 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, if and when available, are considered transfers and are not considered promotions:
(a) Special Enforcement Team Officer
(b) Detective
(c) Motor Officer
(d) Accident Investigator
(e) Field Training Officer
(f) Community Relations/Training Officer
(g) D.A.R.E. Officer
(h) Court 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
Promotional and Transfer Policy

3. Sound judgment and decision-making.
4. Personal integrity and ethical conduct.
5. Leadership
6. Initiative
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives in a positive manner.

1004.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Three years experience
(b) Off probation
(c) Has shown an expressed interest in the position applied for
(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
(e) Complete any training required by the Department of Public Safety Standards and Training or law

1004.3 SELECTION PROCESS
The following criteria apply to transfers.

(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 will submit these recommendations.
(b) The supervisor recommendations will be submitted to the Sergeant for whom the candidate will work. The Sergeant will schedule interviews with each candidate.
(c) Based on supervisor recommendations and those of the Sergeant after the interview, the Sergeant will submit his/her recommendation(s) to the Chief of Police.
(d) 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 Sandy Personnel Department. 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. Specific skill testing
4. Assessment Center
5. Interview with the Chief of Police

The Chief of Police will make the final selection.
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. Our 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 individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints consisting of 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 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 Sergeant of the affected section or division.
(c) If a successful resolution is not found with the Sergeant, the employee may request a meeting with the Chief of Police.
(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 Administration 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
The Administration Sergeant 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 Training Sergeant should promptly notify the Chief of Police if the report identifies any policy manual content that may warrant a critical revision.
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 Sandy 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.
Anti-Retaliation

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 Personnel Manager.

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.
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 members who disclose or threaten to disclose information that the member reasonably believes is evidence of (ORS 659A.203):

(a) A violation of federal or state 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.

Members 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 Sergeant or Chief for investigation pursuant to the Personnel Complaints Policy.

1008.8 RECORDS RETENTION AND RELEASE
The Records Manager 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.
Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

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 166.270).

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.

ORS 166.270 carries specific prohibitions on the carrying of firearms or other weapons upon a felony conviction in the State of Oregon, any other state or under federal law.

ORS 107.095(5) addresses when a restraining order can lead to a violation of the firearms prohibitions of 18 USC § 922. Employees that are or have become subject to such an order shall promptly report that information to a supervisor.

1010.3 OTHER CRIMINAL CONVICTIONS
Oregon Administrative Rules 259-008-0010(4) prohibits any person convicted of a felony 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 contendre 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.

Moreover, 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.

1010.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card 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 arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.
Reporting of Employee Convictions

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.
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.

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. Such use shall not be tolerated (41 USC § 8103).

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 he/she 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, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1012.3.1 USE OF MEDICATIONS
Members should avoid taking 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 his/her 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 his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-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.
Drug- and Alcohol-Free Workplace

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 Personnel Department, 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 REQUESTING 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 his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITY
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:

(a) The test will be given to detect either alcohol or drugs, or both.
Drug- and Alcohol-Free Workplace

(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 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(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 he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
(c) Violates any provisions of this policy.

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 separately from the employee’s other personnel files.
Sick Leave Reporting

1014.1 PURPOSE AND SCOPE
Employees of this department are provided with a sick leave benefit that provides continued compensation during times of personal or family illness. The specified number of hours are detailed in each employee's bargaining unit's Collective Bargaining Agreement. Sick time may only be used when an employee is unable to work due to personal illness or a member of the employee's immediate family is ill and the employee must care for that individual.

Sick leave is not considered vacation and abuse of sick leave may result in discipline.

1014.2 EMPLOYEE RESPONSIBILITIES
Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit an electronic leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 NOTIFICATION
All employees must notify a supervisor, in person, if they are ill and unable to come to work. An employee needing to notify a supervisor during non-business hours, he or she will call the on-duty supervisor by way of pager.

Employees are encouraged to notify a supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS
Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.
Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

1014.4 SUPERVISOR RESPONSIBILITY
Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.
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 Sandy Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY
The Sandy 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).

The ECO should also act as the liaison with the Oregon Occupational Safety and Health Administration (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.

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).
Communicable Diseases

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 and Social Security number 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).

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:
Communicable Diseases

(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, hepatitis B or hepatitis C (ORS 433.080; ORS 433.085).

(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.

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.
Communicable Diseases

(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.
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 Sandy 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 Sandy 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 Sandy 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).
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 Sandy 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 Sandy 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 Sergeant or Chief, 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 Sergeant or Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.
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.
Personnel Complaints

1020.5.1 COMPLAINTS ALLEGING PROFILING
Complaints related to profiling should be clearly marked to assist in reporting as required in the Racial or Bias-Based Profiling Policy (2015 Oregon Laws c 681 § 2).

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 Sergeant or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints 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 Personnel Department and the Patrol Sergeant for direction regarding their roles 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.
Personnel Complaints

(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 someone designated by the Chief of Police, the following applies to employees covered by the provisions of ORS 236.350 through ORS 236.360.

(a) Interviews of an accused employee shall be conducted during reasonable (normal waking) hours and preferably when the employee is on-duty, unless the seriousness of the investigation requires otherwise. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the Sandy Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) The interviewers shall inform the employee 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, an employee should be informed of the nature of the investigation and of facts reasonably sufficient to inform the employee of the circumstances surrounding the allegations under investigation.

(f) All interviews should be for a reasonable period and the employee’s personal needs should be accommodated.

(g) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee 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.

(h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee 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 employee prior to any subsequent interview.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the
integrity of each individual’s statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) In a disciplinary or administrative investigation, the employee's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the employee to the representative for purposes of the representation.

(k) As soon as it is determined that the employee may be charged with a criminal offense, the employee shall be informed of the employee’s right to consult with criminal defense counsel with respect to the criminal charge.

(l) All employees shall provide complete and truthful responses to questions posed during interviews.

(m) No employee 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.

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.
**Personnel Complaints**

**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 Administration Supervisor shall ensure that investigations are completed and peace officers are provided notification of intended discipline no later than six months from the date of the first interview. The Chief of Police or Administration 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 peace officer and the peace 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 peace officer who is incapacitated or unavailable.

(b) The investigation involves an allegation of workers’ compensation or disability fraud by the peace officer.

(c) The peace officer, in writing, waives the limit.

(d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.

(e) The investigation involves more than one peace 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 peace officer is a named defendant or the peace 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.

**1020.7 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.

1020.9 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.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Sandy 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 and include their 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 SERGEANT RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Sergeant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.
Personnel Complaints

The Sergeant 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 Sergeant 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 Sergeant 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 Sergeant for further investigation or action.

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.

1020.11 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:

(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.
Personnel Complaints

(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 cause further investigation to be conducted, 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 Files Policy.
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.
Safety Belts

1022.5 POLICY
It is the policy of the Sandy 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. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
Body Armor

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY
It is the policy of the Sandy Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR
The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Sandy Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.
Body Armor

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer’s care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer’s recommended replacement schedule.

1024.4 RANGE OFFICER RESPONSIBILITIES
The Range Officer should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.
Personnel Files

1026.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of personnel records pursuant to Oregon Revised Statutes 192.502.

1026.2 PERSONNEL FILES DEFINED
Employee related files shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Personnel File - That file which is maintained in the Human Resources office as a permanent record of an employee's employment with this department.

Supervisors File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned section for the purpose of completing timely performance evaluations. Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.
1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Certain information contained in personnel records is confidential and shall not be subject to disclosure except as provided by Policy Manual § 810, the provisions of the Oregon Public Records Law, or pursuant to lawful process (Oregon Revised Statutes 181.854).

1026.5 REQUESTS FOR DISCLOSURE
No requests for the disclosure of any information contained in any personnel record shall be considered received unless it is in written form. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Patrol Sergeant, 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 employee(s) as soon as practicable that such a request has been made (Oregon Revised Statutes 181.854).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner and consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee’s personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION
Except as provided by Policy Manual 810 or pursuant to lawful process, no information contained in any peace officer personnel file shall be disclosed to any unauthorized employee or other person(s) without the expressed prior written consent of the involved officer (Oregon Revised Statutes 181.854(4)).

If an investigation of a public safety employee of this department results from a complaint, the Department may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation (Oregon Revised Statutes 181.854(5)).

1026.6 EMPLOYEE ACCESS TO OWN FILE
An employee or former employee may request to review his/her personnel file. The request should be made to the employees supervisor. The employees supervisor should ensure that the employee is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records per ORS 652.750.

If an employee believes that any portion of the material is mistakenly or unlawfully placed in the employee’s personnel record, the employee 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 employee's personnel record (ORS 652.750 (7)).

1026.7 TYPES OF PERSONNEL FILES
Personnel files can be located in any of the following places:

1026.7.1 DEPARTMENT FILE
The employee PERSONNEL files will be maintained in the Human Resources Office. The file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.

(b) Documents related to disciplinary action:
   1. Disciplinary action resulting from sustained complaints or observation of misconduct shall be maintained in the individual employee's Department file at least three (3) years. If the disciplinary action results in an employee's termination from this agency, the record of that action will be maintained for ten years after the separation in accordance with 166-200-0090(6) and OAR 166-150-0160(6).
   2. Investigative files relating to complaints or discipline shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs File.

(c) All documents related to employee performance, once the employee has had the opportunity to read and initial the document.
   1. No employee may place an adverse comment in the personnel records of an employee unless the employee has first read and signed the document containing the adverse comment. If an employee refuses to sign a document containing an adverse comment, the employer may place the document in the employee's personnel records with a notation that the document was presented to the employee and the employee refused to sign it ORS 652.750 (6).
   2. An employee may write a response within 30 days of being presented with a document containing an adverse comment. If an employee writes a response to a document containing an adverse comment, the Administration Supervisor must ensure that the response is attached to the original document and placed in the employee's personnel records (ORS 652.750 (6)).

(d) Employee Personnel Records not related to discipline shall be retained for six years after separation (Oregon Administrative Rules 166-150-0160(7)).

(e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).
Personnel Files

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee’s employment status.

(g) A photograph of the employee.

1026.7.2 DIVISION FILE
The SUPERVISORS File will be maintained in the Office of Patrol Sergeant. The file should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.
   1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
   2. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) Duplicate copies of items that will also be included in the employee’s personnel file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

All rules of confidentiality and disclosure shall apply equally to the division file.

1026.7.3 INTERNAL AFFAIRS FILE
The internal affairs file shall be maintained under the exclusive control of the Sergeant or Chief 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 supervisor of the Sergeant or Chief. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002). IA record are completed and kept electronically in the Report Management System.

1026.7.4 TRAINING FILES
An individual training file shall be maintained by the training sergeant. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The training officer or supervisor shall ensure that copies of such training records are placed in the employee’s training file.

1026.7.5 MEDICAL FILE
The Medical file shall be maintained separately from all other files in the Chief’s office and shall contain all documents relating to the employee’s medical condition and history, including but not limited to the following:
Personnel Files

(a) Materials relating to medical leaves of absence.
(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

1026.8 PURGING OF FILES
Generally, personnel files must be maintained by the Department according to corresponding state Archives Division law. Investigations resulting in disciplinary action or exoneration must be retained for two years (counties) or for three years (cities) after resolution (OAR 166-150-0135; OAR 166-200-0090; OAR 166-200-0100).

Unfounded investigation records and all related files not resulting in disciplinary action and having no pending litigation or other ongoing legal proceedings may be purged after being held for one year (counties) or three years (cities) (OAR 166-150-0135; OAR 166-200-0090; OAR 166-200-0100).

If the investigation resulted in termination, all related files must be retained for 10 years after separation (OAR 166-200-0090; OAR 166-200-0100; OAR 166-150-0135).

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the required retention period for reasons other than pending litigation or other ongoing legal proceedings.
(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable required retention period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the required retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
Request for Change of Assignment

1028.1 PURPOSE AND SCOPE
It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1028.2 REQUEST FOR CHANGE OF ASSIGNMENT
Personnel wishing a change of assignment are to complete a memorandum that should then be forwarded through the chain of command to their Sergeant.

1028.2.1 PURPOSE OF FORM
Employees should list their qualifications for specific assignments. All relevant experience, education and training should be included when completing this memorandum.

All assignments an employee is interested in should be listed on the memorandum.

The Request for Change of Assignment memorandum will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request memorandum.

1028.3 SUPERVISOR’S COMMENTARY
The officer’s immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Sergeant of the employee involved. In the case of patrol officers, the Patrol Sergeant must comment on the request with his/her recommendation before forwarding the request to the Sergeant. If the Patrol Sergeant does not receive the Change of Assignment Request Form, the Sergeant will initial the form and return it to the employee without consideration.
Employee Commendations

1030.1 PURPOSE AND SCOPE
The Agency expects a high level of professional conduct from all of its employees. However, when an individual or unit performs their duties in a manner that exceeds the standards of the agency, it is the policy of the Sandy Police Department to formally recognize this exceptional work. In addition, the Sandy Police Department recognize that the support and cooperation of our citizens is essential for the control of crime in our community. In order to encourage citizen involvement, it is the policy of the Sandy Police Department to officially commend and recognize those citizens who assist in the apprehension of criminals, the prevention of crime, and the safety of the community.

1030.2 PROCEDURE
a. All agency employees, volunteers and members of other public safety organizations are eligible for awards.

b. Citizen Awards are reserved for civilians who are not employees of the agency.

1030.3 NOMINATIONS FOR AWARDS
a. Any employee may nominate any eligible individual for an award.

b. Special attention should be taken by the nominator to determine if the project and/or event is part of an employee's day-to-day duties or if it exceeds the standards of the agency. If it is part of an employee's day-to-day duties, a service commendation should be written in lieu of submitting an award nomination.

c. All nominations must be made in writing or submitted electronically to the Chief of Police. The Chief of Police may convene a panel of peers to evaluate the nomination and assist in making decisions on awards.

1030.3.1 PROGRAM DEFINITIONS
a. Definitions
   1. Above and Beyond the Call of Duty - An act performed that is clearly one of personal initiative, bravery and/or willingness to risk one's own life.
   2. Exemplary - Worthy of imitation; ideal; service as a model
   3. Extreme Risk - A condition which is highly likely to result in death or serious bodily injury.
   4. Significant Risk - A condition which may result in death or serious bodily injury.
   5. Operational Risk - A condition which involves personal danger, but is unlikely to result in death or serious bodily injury.
6. Police Action - An action which is performed for the conservation of peace, enforcement of laws, or the investigation of a criminal complaint.

7. Individual - An individual can be a sworn officer, a police civilian employee, a police K9 or a City of Sandy Police Department employee.

1030.4 MEDAL OF HONOR
a. This is the agency's highest award for valor.

b. The Medal of Honor may be awarded when a police employee:

1. Has been killed in the line of duty, or at the risk of such officer's own life, displays extreme courage, bravery, and devotion to duty in exposing oneself to grave danger in the face of a seemingly hopeless situation notwithstanding the officer's own imminent peril. The Police Medal of Honor recipient must have demonstrated that there was a conscious awareness of the imminent threat to physical safety at the time the action was performed.

This award consists of a formal presentation of a medal, award pin and certificate signed by the Chief of Police.

1030.5 MEDAL OF VALOR
a. This is the agency's second highest award for valor.

b. The Medal of Valor may be awarded to a police employe who:

1. While acting above and beyond the call of duty,

2. Saves or attempts to save another person who is in danger of death or serious bodily injury, AND

3. Knowingly places himself/herself at significant risk.

This award consists of a formal presentation of a medal, award pin and certificate signed by the Chief of Police.

1030.6 DISTINGUISHED SERVICE MEDAL
a. The distinguished Service Medal may be awarded to a police employee who:

1. Save or attempts to save another person who is in danger of death or serious bodily injury, and the employee is at operational risk, or who

2. Apprehends a violent criminal suspect in the commission of a crime, and the individual is at significant risk.

This award consists of a formal presentation of a medal, award pin and certificate signed by the Chief of Police.
Employee Commendations

1030.7  PURPLE HEART MEDAL
a. The Purple Heart may be awarded to a police employee who:
   1. Suffers death or serious bodily injury while in the performance of a police action or by felonious
      assault upon his/her person.
   2. The Purple Heart may be given in addition to any other award for the same incident.
      This award consists of a formal presentation of a medal, award pin and certificate signed by the
      Chief of Police.

1030.8  LIFE SAVING MEDAL
a. The Life Saving Award may be awarded to any Sandy Police Department employee who:
   1. Performs an exceptional act under emergency conditions wherein a service is rendered that
      results directly to sustain a human life.
   2. Can not be awarded for life threatening injuries caused by police action.
      This award consists of a formal presentation of a medal, award pin and certificate signed by the
      Chief of Police.

1030.9  WEAR OF AWARD PIN
Award pins are to be worn above the left pocket on the uniform shirt or outer carrier. They are
worn in order of importance. Multiple awards of the same medal will be signified by one award
pin, with a numeral affixed to the middle to indicate multiple awards of that medal.

1030.10  COMMENDATION AWARDS
An individual's actions which do not fit within the described award definitions may be recognized
in an official commendation which describes the exemplary conduct and officially recognizes it as
being worthy of commendation above and beyond the individual's duties.
Fitness for Duty

1032.1 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 peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1032.2 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.

1032.3 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.
(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.
Fitness for Duty

(d) In conjunction with the Patrol Sergeant or employee’s available Sergeant, 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.

1032.4 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.

1032.5 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 Sergeant, 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.

1032.6 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 Personnel Department 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.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.
Fitness for Duty

(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.

1032.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

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

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

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

1032.8 APPEALS
An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.
Meal Periods and Breaks

1034.1 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.

1034.1.1 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.

The time spent for the meal period shall not exceed the authorized time allowed by contract.

1034.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken 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 will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Dispatch Center.
Lactation Break Policy

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY
It is the policy of this department to provide reasonable break time and appropriate facilities to accommodate any employee 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).

1035.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). 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 employee's regularly scheduled rest or meal periods.

Employees desiring to take a lactation break shall notify communications 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.

1035.4 PRIVATE LOCATION
The Department will make reasonable efforts to provide lactating employees 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 employee'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 co-workers and the public (29 USC § 207).

Employees 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 employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

1035.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the employee ends her shift. Alternatively the Department will make reasonable provisions to provide a place for the employee to store her own cooler for the purpose of storing expressed milk.
Payroll Record Procedures

1036.1 PURPOSE AND SCOPE
Time cards are submitted to Administration on a monthly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF TIME CARDS
Employees are responsible for the accurate and timely submission of time cards for the payment of wages.

1036.1.2 TIME REQUIREMENTS
All employees are paid on a monthly basis usually on the last working day of the month with certain exceptions such as holidays. Time cards shall be completed and submitted to Administration no later than 8:00 a.m. on the last shift worked prior to the 23rd of each month, unless specified otherwise.
Overtime Payment Requests

1038.1 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. Employees will note on their time sheets the amount of overtime or compensatory time. They will then mark the reason, case number or other information in the remarks section of the time sheet to indicate the reason for the overtime or compensatory time.

1038.1.1 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.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the number of hours of agreed to in the Collective Bargaining Agreement.

Any overtime in excess of one hours must be approved by a supervisor.

1038.2 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement (CBA provides that a minimum number of hours will be paid, (e.g., two hours for Court within the City Limits, four hours for court outside the City Limits eg.

In the case where the CBA allows for time other than actual hours worked, the employee may indicate the amount authorized by the CBA rather than the actual time worked.

1038.2.1 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:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>1/4 hour or .25</td>
</tr>
</tbody>
</table>
### Overtime Payment Requests

<table>
<thead>
<tr>
<th>Time Range</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 to 30 minutes</td>
<td>1/2 hour or .50</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>3/4 hour or .75</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1 hour</td>
</tr>
</tbody>
</table>

#### 1038.2.2 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 Patrol Sergeant or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.
Outside Employment

1040.1 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.

1040.1.1 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.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 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 which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application 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.

1040.2.1 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).
1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(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.

1040.3 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

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
No member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance
of the desired service. Such outside overtime will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.

2. The officer(s) shall be subject to the rules and regulations of this department.

3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official police action while working in an approved outside overtime 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 outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Sergeant, 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.

1040.4 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.

1040.4.1 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.
Outside Employment

1040.5 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 to report the change.

1040.6 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 work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit 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 Sandy Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.
Occupational Disease and Work-Related Injury Reporting

1042.1 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.

1042.1.1 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 Sandy Police Department (ORS 656.005(7); ORS 656.802).

1042.2 POLICY
The Sandy 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.).

1042.3 RESPONSIBILITIES

1042.3.1 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.

1042.3.2 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 member’s request (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.

1042.3.3 SERGEANT RESPONSIBILITIES
The Sergeant 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 the Administration Sergeant 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(3)).

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

1042.4 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 Sergeant through the chain of command and a copy sent to the Administration Sergeant.

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.

1042.5 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.

1042.5.1 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.
Personal Appearance Standards

1044.1 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.

1044.2 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.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the collar when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 SIDEBURNS
Sideburns shall not extend below the bottom of the ear lobe and shall be trimmed and neat.

1044.2.3 FACIAL HAIR
Facial hair to include sideburns, mustaches, goatees, beards and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

Mustaches, beards and goatees must be neatly trimmed with the hair no longer than 1/4 inch in length.

1044.2.4 FINGERNAILS
Fingernails shall be kept clean and neatly trimmed. Fingernails should not exceed 1/2 inch in length beyond the tip of the finger.

1044.2.5 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 uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.
Personal Appearance Standards

1044.3 TATTOOS
While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive 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, or obscene language).

1044.4 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.
Uniform Regulations

1046.1 PURPOSE AND SCOPE
The uniform policy of the Sandy 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

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Sandy 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.

1046.2 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 the department’s uniform specifications that are maintained separately from 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 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.
Uniform Regulations

(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 with any Department uniform unless in formal dress uniform and in formation (such as at a funeral, ceremony or other formal event).

(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 two rings/set may be worn on each hand, however officers should keep in mind the safety issues and wear the minimal amount of jewelry possible to provide the best officer safety outcomes.
   3. Medical alert bracelet

1046.2.1 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 Sergeant.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM
The Class A uniform, is the formal dress uniform of this department. It is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- Dress slacks
- Dress jacket
- White shirt
- Tie
- Polished shoes or boots

For reserve officers, the Class A uniform will consist of:

(a) Long sleeve shirt with tie
Uniform Regulations

(b) Polished shoes or boots

1046.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.
The Class B uniform will consist:

(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 or turtle neck must be worn with the uniform
(c) All shirt buttons must remain buttoned except for the last button at the neck
(d) Shoes for the Class B uniform may be as described in the Class A uniform
(e) Approved all black unpolished shoes may be worn provided they do not have athletic logos
or other detracting symbols.

1046.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer
months or special duty. The Chief of Police will establish the regulations and conditions for wearing
the Class C Uniform and the specifications for the Class C Uniform.

1046.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such
as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.3.6 RESERVE OFFICER UNIFORM
The reserve officer's uniform will be the same as for the regular officer, with the exception of the
Class A uniform. See Class A uniform above for more detail. All uniform policies, regulations and
specifications apply equally to reserve officers.

1046.4 INSIGNIA AND PATCHES
(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be
machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch
below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be
worn on long sleeved shirts and jackets. 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. One stripe is authorized for every four (4) years of
sworn police service and does not count, cadet, reserve or military police service.
Uniform Regulations

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee’s last name. If an employee’s first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket 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, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(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.

1046.4.1 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 30th 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 an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1046.5 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.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks 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, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:
   1. T-shirt alone
   2. Swimsuit, tube tops, or halter-tops
   3. Spandex type pants or see-through clothing
   4. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Sandy Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Police, Sandy 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 Sandy 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 specific written approval by the Chief of Police

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT
(a) Any of the items listed in the Uniform and Equipment Specifications 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:
Uniform Regulations

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 (see the Department-Owned and Personal Property Policy).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Sandy Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Sandy 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 Specifications or by the Chief of Police or designee.
Nepotism and Conflicting Relationships

1050.1 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.

1050.1.1 DEFINITIONS
Definitions related to this policy include:

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or could be influenced by the employee's personal or business relationship (ORS 244.020).

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - Any person who is serving the State of Oregon, any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services (ORS 244.020).

**Relative** - The spouse of the member, any children of the member or of the member's spouse, and brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, stepparents, stepchildren or parents of the member or of the member's spouse, or any individual for which the member has a legal support obligation (ORS 244.020).

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.
1050.2 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.

(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.

1050.2.1 EMPLOYEE RESPONSIBILITY
Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, individual who resides
Nepotism and Conflicting Relationships

with the member or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY
Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations, through the chain of command.
Department Badges

1053.1 PURPOSE AND SCOPE
The Sandy Police Department badge and uniform patch as well as the likeness of these items and the name of the Sandy 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 Sandy 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.

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.

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.
Department Badges

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 Sandy 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.
Modified Duty Assignments

1055.1 PURPOSE AND SCOPE
This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1055.2 POLICY
Subject to operational considerations, the Sandy Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1055.3 GENERAL CONSIDERATIONS
Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Oregon Family Leave Act (OFLA) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Sandy Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee’s ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1055.4 PROCEDURE
Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.
Modified Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Sergeants or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.
(b) The prognosis for recovery.
(c) The nature and scope of limitations and/or work restrictions.
(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Sergeant will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Patrol Sergeant or Sergeant, with notice to the Chief of Police.

1055.5 ACCOUNTABILITY
Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Sergeant.

1055.5.1 EMPLOYEE RESPONSIBILITIES
The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
(d) Submitting a written status report to the Sergeant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.
Modified Duty Assignments

1055.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Sergeant of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Sergeant and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1055.6 MEDICAL EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1055.7 PREGNANCY
If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1055.7.1 NOTIFICATION
Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1055.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1055.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees
Modified Duty Assignments

who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.
Employee Speech, Expression and Social Networking

1058.1 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.

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.

1058.1.1 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, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 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 Sandy 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.

1058.3 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 Sandy 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:


Employee Speech, Expression and Social Networking

- 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.

1058.4 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 Sandy 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 Sandy Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Sandy 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 Sandy 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).

(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 Sandy 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).

1058.4.1 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 Sandy Police Department or identify themselves in any way that could be reasonably perceived as representing the Sandy 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 Sandy 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 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).

1058.5 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, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1058.6 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.

1058.7 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.
Illness and Injury Prevention

1059.1 PURPOSE AND SCOPE
The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Sandy Police Department, in accordance with the requirements of the Oregon Safe Employment Act (OAR 437-001-0001 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1059.2 POLICY
The Sandy Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will participate in the City of Sandy’s Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1059.3 ILLNESS AND INJURY PREVENTION PLAN
The City of Sandy, Human Resources Department is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.
(b) Regularly scheduled safety meetings.
(c) Posted or distributed safety information.
(d) A system for members to anonymously inform management about workplace hazards.
(e) Establishment of a safety and health committee that will (OAR 437-001-0765):
   1. Meet monthly.
   2. Prepare a written record of safety and health committee meetings.
   3. Establish procedures for conducting workplace safety and health inspections.
   4. Conduct quarterly workplace inspections.
   5. Review the results of periodic scheduled inspections.
   6. Review investigations of accidents and exposures.
   7. Make suggestions to command staff for the prevention of future incidents.
   8. Review investigations of alleged hazardous conditions.
   9. Submit recommendations to assist in the evaluation of member safety suggestions.
Illness and Injury Prevention

10. Assess the effectiveness of efforts made by the Department to meet applicable standards (OAR 437-001-0001 et seq.).

(f) Establishing a process to ensure work-related fatalities and hospitalizations are reported as required by Oregon Occupational Safety and Health Administration. Notification is required within eight hours after the death of any member, and within 24 hours of an inpatient hospitalization of one or more members, an amputation, an avulsion that results in bone loss, or a loss of an eye as a result of a work-related incident (OR-OSHA) (29 CFR 1904.39; OAR 437-001-0704).

(g) Establishing a process that an OR-OSHA annual summary of work-related injuries and illnesses is completed and posted in a conspicuous location where notices to all members are customarily posted in compliance with the Oregon Safe Employment Act (OAR 437-001-0700(17)).

1059.3.1 SAFETY COMMITTEE
The City of Sandy maintains a safety committee to communicate and evaluate safety and/or health issues that may affect members and to promote safety and health in the work environment. The safety committee should include full-time and volunteer members, as applicable. Members of the Sandy Police Department shall notify the safety committee of unsafe work practices, equipment or environments as soon as practicable (OAR 437-001-0765).

Each time the safety committee meets, the committee chairperson or the authorized designee shall prepare a written record of the meeting that includes (OAR 437-001-0765):

(a) The names of all attendees.
(b) The date of the meeting.
(c) All safety and health issues discussed at the meeting, including tools, equipment, work environment and work practice hazards.
(d) The recommendations for corrective action, if made, and a reasonable date by which to comply with the recommendation.
(e) The individual responsible for follow-up on any recommended corrective actions.
(f) All reports, evaluations and recommendations made by the committee.

1059.4 ADMINISTRATION SERGEANT RESPONSIBILITIES
The responsibilities of the Administration Sergeant include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.
(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
   1. New member orientation that includes a discussion of safety and health policies and procedures.
   2. Regular member review of the illness and injury prevention plan.
(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
Illness and Injury Prevention

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
   1. Informing members of the illness and injury prevention guidelines.
   2. Recognizing members who perform safe work practices.
   3. Ensuring that the member evaluation process includes member safety performance.
   4. Ensuring department compliance to meet standards regarding the following:

   (e) Communicable diseases (29 CFR 1910.1030; OAR 437-002-0360)
   (f) Personal protective equipment (PPE) (OAR 437-002-0134)
   (g) Fire Prevention Plan (OAR 437-002-0043)
   (h) Respiratory protection (29 CFR 1910.134; OAR 437-002-0120)
   (i) Exit and exit routes (OAR 437-002-0041)
   (j) Emergency Action Plan (OAR 437-002-0042)
   (k) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
   (l) Making available a form to document individual incidents or accidents.
   (m) Developing a form to document the safety and health training of each member. This form will include the member’s name or other identifier, training dates, type of training and training providers.

1059.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Sergeant.

(e) Notifying the Administration Sergeant when:
   1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
   2. New, previously unidentified hazards are recognized.
   3. Occupational illnesses and injuries occur.
Illness and Injury Prevention

4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.

5. Workplace conditions warrant an inspection.

1059.6 HA ZARDS
All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Sergeant via the chain of command.

The Administration Sergeant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1059.7 INSPECTIONS
Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

Safety Inspections are conducted by the City of Sandy’s Safety Committee.

1059.7.1 EQUIPMENT
Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1059.8 INVESTIGATIONS
Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.
Illness and Injury Prevention

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.
(b) An interview of the injured member and witnesses.
(c) An examination of the workplace for factors associated with the accident/exposure.
(d) Determination of the cause of the accident/exposure.
(e) Corrective action to prevent the accident/exposure from reoccurring.
(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1059.9 TRAINING

The Training Sergeant should work with the Safety Committee to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
(b) To all members with respect to hazards specific to each member’s job assignment.
(c) To all members given new job assignments for which training has not previously been provided.
(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1059.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
(b) Use of appropriate clothing, including gloves, footwear and PPE.
(c) Use of respiratory equipment.
(d) Availability of toilet, hand-washing and drinking-water facilities.
(e) Provisions for medical services and first aid.
(f) Handling of bloodborne pathogens and other biological hazards.
(g) Prevention of heat and cold stress.
Illness and Injury Prevention

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed.

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1059.10 RECORDS
Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Safety committee notes shall be kept for a minimum of three years (OAR 437-001-0765).
Attachments
Sandy PD Policy Manual
Policy Manual

Sandy Police Department Memorandum.pdf
Appointment LEP Policy 368.pdf
Memo from Attorney on Political Activities for Employees.pdf
MEMORANDUM

TO: Seth Atkinson, Sandy City Manager
FROM: David Doughman, Office of the City Attorney
SUBJECT: Prohibited and Allowable Political Activities for City Staff and Elected Officials
DATE: February 16, 2016

Assuming the council approves the fuel tax increase at tonight's meeting, questions may arise regarding prohibited/allowed political activities for city staff and elected officials. This memo is designed to address both groups in turn.

As an initial matter, it is important to keep in mind that Oregon law makes significant distinctions between activities of public employees and elected officials, which you will see reflected in this memo.

Public Employees

A "public employee" is defined as an unelected public official (whether paid or unpaid), including appointed board and commission members (i.e. the Planning Commission). ORS 260.432 prohibits "public employees" from promoting or opposing election petitions, candidates or measures while on the job during work hours.\(^1\) Towards this end, City resources may not be used to support or oppose any measure. Further, any prepared measure fact sheets must be equitable, fair, unbiased and dispassionate.

To follow is a list of allowable and prohibited activities by public employees:

Public employees MAY:

✓ Use personal time, lunch hours, breaks, days off—essentially any hours when the employee is considered to be off-duty—for voluntary political activity (dependent on other employer policies) so long as the employee is not acting in their official capacity.

1 ORS 260.432 is in effect as follows:

- For initiative, referendum and recall petition efforts, as soon as a prospective petition is filed with the appropriate elections filing officer;
- For ballot measures referred to the ballot by a governing body (district, city, county, state) as soon as the measure is certified to the ballot;
- For candidate issues, as soon as the person becomes a candidate under the definition in ORS 260.005(1)(a); and
- For actions related to a political committee, whenever the political committee is active.
Any political activity during the work day (i.e. during lunch, breaks) should be documented by date and time in a personal journal or log book.

✓ Impartially advise employees about possible effects of a ballot measure, but may not threaten employees with financial loss to vote a particular way.

✓ Address election-related issues while on the job in a factual and impartial manner if such activity is legitimately within the scope of an employee's normal duties.

✓ Wear political buttons at any time subject to applicable employer policies (but see below for further restrictions for certain employees). However, other activities such as displaying campaign signs or distributing campaign materials are not allowed during public employee work time.

✓ Express personal political views with the exception of employees performing voter registration duties under the National Voter Registration Act (NVRA) – this will typically apply to library employees.

Public employees MAY NOT:

× During work hours, collect funds related to political activity, receive and/or distribute advocacy materials or prepare correspondence on behalf of measures, candidates or political action committees.

× Use work time to produce or distribute political documents advocating a vote for or against a measure or candidate.

× Prepare a news release or speech, to be given by an elected official, or prepare a transcript of the speech or prepare a letter announcing the elected official’s support or opposition to a candidate, measure, or election petition.

× Prepare materials for voters’ pamphlets or assist with filing contribution and expenditure transactions or reports concerning political activity.

× During work hours, offer any encouragement for others to volunteer for support or opposition efforts related to a candidate or other election issues. For example, encourage an individual (during work hours) to phone bank in support of a measure.

× Influence the political choices of a client if they provide voter registration assistance services under the NVRA. For example, any person providing NVRA-required voter registration services on behalf of the City may not wear political buttons. In effect, these employees may not make any statement or take any action towards a person registering to vote that would lead the person to believe the voter registration has any bearing on the availability of services or benefits.

Elected Officials

Elected officials have much broader latitude with respect to political activity. To follow is a list of allowable and prohibited activities by elected officials:

Elected Officials MAY:

✓ Advocate a political position at any time, including endorsement of candidates for public office.

✓ Perform campaign activity at any time, but must exercise caution not to involve any public employee’s work time to do so.
✓ Vote as part of City Council to support or oppose a measure, but must not use public employee staff time to assist with such activities, except for ministerial functions (such as the City Recorder’s preparation of minutes reflecting the vote).
✓ Use their own designated public office space and equipment in advocacy activities, but only consistent with the City’s otherwise applicable policies concerning use of public property and equipment. Such use does not trigger an election law violation, but could result in a violation of other applicable laws or regulations.

Elected Officials MAY NOT:
  × Request a public employee—either on or off duty—to perform any political activity (this includes preparing advocacy materials such as speeches, letters, resolutions and advertising pieces, and also prohibits public employees from preparing materials for voters’ pamphlets and filing contribution and expenditure transactions or reports). Elected officials should avoid soliciting “volunteer help” with these activities during breaks or other personal time, as employees may feel compelled to participate.
  × Have an opinion piece or letter advocating a political position published in a public entity’s newsletter or other publication produced or distributed by public employees.

This is not an exhaustive list and there are often issues that can only be addressed on a case-by-case basis. It is important to understand and follow these guidelines—obviously, to ensure compliance with the law but also to ensure civil penalties are not imposed. The penalty for engaging in activity prohibited under ORS 260.432 is $250 per violation, to be paid by the violating public employee.

Please do not hesitate to contact our office if you have any questions about this material or if you have additional concerns or questions about prohibited and allowed political activities.
Sandy Police Department Memorandum

To: CEO Moody

Date: February 18, 2016

FROM: Chief Yamashita

RE: Department Homeless Liaison Policy 464

Kevin,

I have appointed you to act as our departments Homeless Liaison Officer.

I have attached a copy of Policy 464 and call your attention to section 464.2 “Homeless Community Liaison.”

This section outlines your duties as assigned to this role. Note that (f) is in reference to training. Please coordinate any suggestions for training with Sgt. Roberts, the training sergeant.

If you need help or have questions about any of the tasks associated with this responsibility please let me know.

Thank you for your help on this,

Chief
Letter of Appointment Policy 336.pdf
To: Officer Craven

Date: February 18, 2016

FROM: Chief Yamashita

RE: Victim/Witness Assistance Liaison – Policy 336

Sam,

I have appointed you to act as our department’s Crime Victim Liaison.

I have attached a copy of Policy 336 for your review. Please pay particular attention to sections 336.3 and 336.5. Even though 336.5 talks about an administrative supervisor, I am going to change this policy to reflect the tasks therein as a responsibility of the liaison. I.e. you.

If you need help or have questions about any of the tasks associated with this responsibility please let me know.

Thank you for your help on this,

Chief
Sandy Police-Threat-Assessment-Matrix.xls
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<thead>
<tr>
<th><strong>S.M.E.A.C. – for documenting instructions</strong></th>
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<tbody>
<tr>
<td><strong>Situation</strong> (what has happened, background)</td>
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<td><strong>Mission</strong> (what you need to do about it)</td>
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<tr>
<td><strong>Execution</strong> (how are you going to do it)</td>
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<td><strong>Administration</strong> (and logistics what do you need to do it)</td>
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<tr>
<td><strong>Command and Communication</strong> (who else needs to be involved, who’s the boss, etc.)</td>
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**DOMESTIC VIOLENCE LETHALITY SCREEN for FIRST RESPONDERS**

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<th>Reporting Officer(s)</th>
<th>OPPORTUNITY</th>
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- **Check here if victim did not answer ANY of the questions:**

### A positive response to any of questions 1 – 3 automatically triggers the protocol referral:

1. Has he/she ever used a weapon against you or threatened you with a weapon?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

2. Has he/she threatened to kill you or your children?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

3. Do you think he/she might try to kill you?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

### Negative responses to questions 1 – 3 but positive responses to at least four of questions 4 – 11 automatically trigger the protocol referral:

4. Does he/she have a gun or can he/she get one easily?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

5. Has he/she ever tried to choke you?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

7. Have you left him/her or separated after living together or being married?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

8. Is he/she unemployed?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

9. Has he/she ever tried to kill himself/herself?  
   - Yes [ ]  
   - No [ ]  
   - Not answered [ ]

10. Do you have a child that he/she knows is not his/hers?  
    - Yes [ ]  
    - No [ ]  
    - Not answered [ ]

11. Does he/she follow or spy on you or leave threatening messages?  
    - Yes [ ]  
    - No [ ]  
    - Not answered [ ]

### A deputy may trigger the protocol referral, if not already triggered above, as a result of the victim's responses to the questions below, or whenever the deputy believes the victim is in a potentially lethal situation:

- Is there anything else that worries you about your safety?  
  - YES [ ]  
  - NO [ ]

  Describe what worries you:

  ______________________________________________________
  ______________________________________________________

### CHECK ONE:
- [ ] VICTIM SCREENED IN ACCORDING TO THE PROTOCOL
- [ ] VICTIM SCREENED IN BASED ON THE BELIEF OF THE DEPUTY
- [ ] VICTIM DID NOT SCREEN IN

If the victim screened in, and after receiving advisement of a high risk assessment, did the victim speak with the hotline counselor?  
- YES [ ]  
- NO [ ]

**Note:** The questions above and the criteria for determining the level of risk a person faces are based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors influencing risk for lethal violence that are not captured by this screen. Although most victims who screen “positive” or “high danger” would not expect to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

Submit Lethality Screen with Incident Report to Records.
Emergency Protective Order Protocol.pdf
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