

DEPARTMENT PROCEDURES BY NUMBER

- 4.02 ABUSE OF VULNERABLE PERSONS
- 4.03 CHILD ABUSE / NEGLECT REPORTING
- 4.04 BLOOD BORNE PATHOGENS
- 4.05 CITIZEN OBSERVER PROGRAM
- 4.05 RIDE A LONGS
- 4.6 USE OF FORCE
- 4.06 USE OF FORCE REPORT FORM
- 4.06 USE OR FORCE ROUTING REPORT
- 4.07 REPORTING ACCIDENTS/CITIZEN INJURIES FOR INSURANCE
- 4.08 EMERGENCY MENTAL COMMITMENTS
- 4.09 PRELIMINARY SEX CRIME INVESTIGATION PROCEDURES
- 4.10 MEDICAL SERVICES FOR PEOPLE IN CUSTODY
- 4.10.1 SERVICES PROVIDER / MEDICAL SERVICES FOR PERSONS IN CUSTODY
- 4.10.2 MULTNOMAH COUNTY DETENTION CENTER
- 4.11 HANDLING AND CIVIL HOLDS OF PERSONS INTOXICATED OR UNDER INFLUENCE OF DRUGS
- 4.12.4 VEHICLE PURSUIT POLICY
- 4.13 PERSONAL PROPERTY INVENTORY
- 4.15 FOREIGN NATIONALS
- 4.15.1-1 INTERPOL LIAISON
- 14.15.2 MEXICAN CONSULATE
- 4.16 ARREST DETENTION AND TRANSPORT OF PRISONERS
- 4.17 ACTIVATION OF AMBER ALERT SYSTEM
- 4.18 ELECTRONIC CONTROL WEAPONS
- 4.19 SEARCH WARRANTS
- 4.20 DIPLOMATIC IMMUNITY
- 4.21 STALKING LAWS
- 4.22 FIELD INTERVIEWS AND FRISKS
- 4.23 PROTECTIVE EYEWEAR
- 4.24 SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION
- 4.27 FIREARM PROCEDURES 4.27
- 4.27.01 FIREARM COORDINATORS
- 4.27.03 DUTY WEAPONS
- 4.27.04 AMMUNITION APPROVED
- 4.27.05 LEAD EXPOSURE
- 4.28 NEWBORN INFANT SURRENDER
- 4.28.1 NEWBORN INFANT CONTACT NUMBERS
- 4.29 SHOTGUN PROCEDURES
- 4.30 PATROL RIFLE
- 4.31 SPECIALTY IMPACT MUNITIONS
- 9.11 DEATH INVESTIGATION
- 9.24 COMMUNITY CARETAKING
- 10.01 OBTAINING CRIMINAL COMPAINANT
- 10.04 COURT MESSAGES / SUBPOENAS
- 11.3 CITIZEN ISSUED COMPLAINTS
- 13.16 MISSING PERSONS INVESTIGATIONS
- 14.05 FOUND PROPERTY

4.02 ABUSE OF VULNERABLE PERSONS

4.2.1 PURPOSE

A. To establish a procedure for investigation of abuse of a vulnerable person (i.e. disabled person or elderly person).

4.2.2 APPLICABLE STATUTES

A. ORS 163.205 Criminal Mistreatment in the first degree

B. ORS 124.005 to 124.040 Elderly Persons and Persons with Disabilities Abuse Prevention Act

4.2.3 DEFINITIONS

A. Elderly person means - a person 65 years of age or older.

B. Disabled Person means – person with a physical or mental disability.

C. "Abuse" per ORS 124.005 and as it applies in this procedure means one or more of the following:

1. Any physical injury caused by other than accidental means, or which appears to be at variance with the explanation given of the injury.
2. Neglect that leads to physical harm through withholding of services necessary to maintain health and well-being.
3. Abandonment, including desertion or willful forsaking of an elderly person or a person with disabilities or the withdrawal or neglect of duties and obligations owed an elderly person or a person with disabilities by a

DEPARTMENT PROCEDURES BY NUMBER

caretaker or other person.

4. Willful infliction of physical pain or injury.

5. Use of derogatory or inappropriate names, phrases or profanity, ridicule, harassment, coercion, threats, cursing, intimidation or inappropriate sexual comments or conduct of such a nature as to threaten significant physical or emotional harm to the elderly person or person with disabilities.

6. Causing any sweepstakes promotion to be mailed to an elderly person or a person with disabilities who had received sweepstakes promotional material in the United States mail, spent more than \$500 in the preceding year on any sweepstakes promotion, or any combination of sweepstakes promotions from the same service, regardless of the identities of the originators of the sweepstakes promotion and who represented to the court that the person felt the need for the court's assistance to prevent the person from incurring further expense.

7. Wrongfully taking or appropriating money or property, or knowingly subjecting an elderly person or person with disabilities to alarm by conveying a threat to wrongfully take or appropriate money or property, which threat reasonably would be expected to cause the elderly person or person with disabilities to believe that the threat will be carried out.

8. Sexual contact with a nonconsenting elderly person or person with disabilities considered incapable of consenting to a sexual act as described in ORS 163.315.

4.2.4 PROCEDURE

A. **Residential Facilities - Within two hours** of the receipt of a report of alleged abuse to a dependent/elderly person in a residential facility, an officer will be sent to investigate. The investigating officer shall:

1. Promptly conduct a complete and thorough investigation, being particularly aware of ORS 163.205 Criminal Mistreatment in these cases.

2. If the officer finds reasonable cause to believe that abuse has occurred, he will immediately:

a. Notify the Investigations Division Detective Sergeant if the incident occurs during normal business hours (the Detective Sergeant will contact East County Aging and Disability Services); or

b. If the Detective Sergeant is unavailable, the investigating officer will contact East County Aging and Disability Services directly.

3. The investigating officer shall complete an incident report detailing his actions. Additionally, the report shall contain the following information, if known:

a. Names and addresses of the resident and any persons responsible for the care of the resident; and

b. Nature and the extent of the abuse; and

c. Evidence of previous abuse; and

d. Explanation given for the abuse; and

e. Any other information that might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

4. A copy of the incident report will be forwarded to:

a. Investigations Detective Sergeant; and

b. East County Aging and Disability Services.

5. Officers shall report all instances of Domestic Violence between caregivers occurring in the presence of the elderly person(s) to the Investigations Detective Sergeant and to East County Aging and Disability Services.

B. **Elder Abuse Outside Residential Facility** - When a report of alleged abuse to an elderly person outside of a residential facility is received, the officer receiving it shall:

1. Promptly conduct a complete and thorough investigation, being particularly aware of ORS 163.205 Criminal

DEPARTMENT PROCEDURES BY NUMBER

Mistreatment in these cases.

2. Immediately notify the Investigations Detective Sergeant if the incident occurs during normal business hours (the Detective Sergeant will contact East County Aging and Disability Services); or if the Detective Sergeant is unavailable, the investigating officer will contact East County Aging and Disability Services directly.

3. The investigating officer shall complete an incident report detailing his actions. Additionally, the report shall contain the following information, if known:

- a. Names and addresses of the resident and any persons responsible for the care of the resident; and
- b. Nature and the extent of the abuse; and
- c. Evidence of previous abuse; and
- d. Explanation given for the abuse; and
- e. Any other information that might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

4. A copy of the report shall be forwarded to:

- a. The Investigations Detective Sergeant; and
- b. East County Aging and Disability Services.

Carla C. Piluso
Chief of Police

4.03 CHILD ABUSE / NEGLECT REPORTING

4.3.1 PURPOSE

o This directive establishes guidelines for reporting and investigating cases involving child physical and/or sexual abuse and to ensure that the requirements of the Child Abuse reporting laws are met.

B. As a member agency of the Multnomah county Multidisciplinary Child Abuse Team (MDT), the Department supports the MDT's Protocols for child abuse investigations. If any part of this General Order appears to conflict with the MDT Protocol, this General Order shall be interpreted in a manner consistent with the spirit of the MDT Protocol.

4.3.2 LAW

A. Oregon law requires immediate mandatory reports and investigations of alleged and actual abuse of children. Per ORS 419B.010, those "public or private officials" failing to do so commits a Class A violation.

4.3.3 DEFINITIONS

A. Child/Juvenile - means an unmarried person who is under 18 years of age. An emancipated juvenile will not be considered a child.

B. Child Abuse - means any or all of the following:

1. Any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury. This includes infants affected by exposure to drugs and/or alcohol.

DEPARTMENT PROCEDURES BY NUMBER

- Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child.

3. Sexual abuse, including but not limited to rape, sodomy, sexual abuse, incest, and unlawful sexual penetration.

4. Sexual exploitation of a child. This includes but is not limited to activities defined in ORS Chapter 163, such as contributing to the sexual delinquency of a minor, engagement of a child in various behaviors or poses for pornographic materials, and permitting or allowing a child to engage in prostitution. Access of pornographic materials involving children through the use of a computer or the mail shall be considered sexual exploitation of a child.

5. Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care.

- Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare. Threat of harm includes but is not limited to children exposed to domestic violence and children having contact with sexual offenders.

- Buying or selling a person under 18 years of age.

- Child Homicides.

- Permitting a person under 18 years of age to enter or remain in a place where methamphetamines are being manufactured.

C. Serious Physical Injury is defined as:

1. A physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, impairment of health, or protracted loss of the functions of any bodily organ.

- Injuries such as serious head trauma, broken bones, internal bleeding or injury, extensive bruising or lacerations, burns, poisoning, suffocation.

- Injuries caused by a deadly or dangerous weapon as defined in ORS 161.015.

- Injuries dating within 72 hours which are diagnostic of sexual abuse.

- Injuries that, after initial medical treatment, require a child to be admitted to a hospital.

- Suspicious Physical Injury is defined as:

-

- Burns and/or scalds;

-

- Extensive bruising or abrasions on any part of the body;

-

- Bruising, swelling or abrasions on the head, neck or face;

-

- Fractures of any bone in a child under the age of three;

-

- Multiple fractures in a child of any age;

-

- Dislocations, soft tissue swelling or moderate to severe cuts;

-

- Loss of the ability to walk or move normally according to the child's developmental ability;

-

- Unconsciousness or difficulty maintaining consciousness;

-

- Multiple injuries of different types;

-

- Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ;

-

- Any other injury that threatens the physical well-being of a child.

DEPARTMENT PROCEDURES BY NUMBER

- Acute Sexual Assault – Any report of sexual abuse that occurred within the prior 72 hours, or which occurred outside the prior 72 hours but of which physical symptoms (pain, injury, bleeding, discharge, etc.) still exists.

F. Family – any blood relationship, e.g., father, mother, brother, sister, cousin, uncle, aunt, grandparent, etc. Any relationship established through marriage, adoption or other legal action e.g., stepparent, former stepparent, foster parents/siblings, legal guardians, etc. Live-in boyfriends or girlfriends of parents are also included.

G. Woman officer - means any suitable female person, e.g. female employee of the department or City, clergy, teacher, friend, neighbor, family member, etc.

H. Indian Child Welfare Act of 1978- Congressional regulations that outline the preferred placement of Indian children with their families or tribal affiliates, when they are taken into protective custody by law enforcement personnel.

I. Non-family – Any person not listed in “family,” including: neighbors, friends, teachers, other temporary custodians and strangers.

J. Cross Reporting – The Department of Human Services and law enforcement agencies are required by Oregon law, to notify each other when a report of child abuse is received.

4.3.4 PROCEDURE

A. In order to comply with the child abuse reporting laws, an officer will respond to all incidents of child abuse as dispatched.

B. Once the responding officer finds cause to believe that a child abuse related crime has occurred, or a child is abandoned or otherwise in a dangerous situation, the following steps shall be taken:

- The responding officer will immediately notify an on-duty supervisor if any of the following conditions exist:

- - Allegations of a Ballot Measure 11 offense are made.
- - A child has suffered a serious or suspicious physical injury, including injuries to sexual body parts.

- - The officer takes a child into protective custody.

- - The officer arrests a suspect on probable cause to believe the suspect committed a child abuse felony. Because an immediate arrest is not always in the best interest of an investigation, efforts should be made to notify a supervisor for consultation with an assigned detective prior to making a PC arrest.

- The on duty supervisor will notify an Investigations Division supervisor or the Child Abuse Team supervisor according to the criteria listed in section 4.3.4A8. of this procedure. If a detective is assigned, the detective will coordinate the investigation. If no detective is assigned, the responding officer will proceed as directed by the consulting detective supervisor.

- If the responding officer has cause to believe the suspect is a flight risk and the officer believes probable cause exists for an arrest, the suspect will be taken into custody.

- If the responding officer has cause to believe the suspect is an immediate danger to the child or community, and probable cause exists for arrest, the officer will either take the suspect into custody, or take the child into protective custody.

- After obtaining consent and/or a warrant, the officer will

Photograph and seize evidence (e.g. computers, belts, paddles, ropes, bedding, condoms, clothing, etc.) or

DEPARTMENT PROCEDURES BY NUMBER

photograph evidence not easily removed (e.g. furnace grates, stove tops, etc.). If a camera is not readily available, the officer will immediately contact a supervisor to obtain a camera, or to contact a Senior Police Technician to obtain photographs.

6. An officer who observes a child who has suffered suspicious physical injuries (see definition 4.3.3.D) will:

a. Immediately photograph the injuries; however, if the injuries are anogenital, medical personnel will fulfill the photographic requirement.

b. Digital photographs will be submitted as evidence in compliance with procedures established under G.O. 14.4 Recording/Storage of Digital Images.

c. Ensure, either personally or via immediate referral to DHS Investigations Division, or CAT, that a designated medical professional conducts a medical assessment of the child within 48 hours. Generally, CARES Northwest medical personnel can fulfill this requirement. However, in the event that CARES Northwest is unable to do so, the officer may need to make arrangements for the child to be evaluated by an emergency department or other available medical professional within the 48 hour time frame.

7. The officer shall complete the initial crime report, then immediately contact the on-duty supervisor for case referral and follow-up.

8. When notified by a responding officer of a child abuse investigation under circumstances detailed above, the on-duty supervisor shall immediately contact the Department's Investigation Division Detective Sergeant or the Child Abuse Team (CAT) Supervisor as determined by the following criteria:

a. Child Abuse Team (CAT) Supervisor

(1) All cases involving child abuse committed by non- family perpetrators where the victim is under age; and

(2) All cases involving child abuse committed by a family member; and

(3) All child fatalities.

◦ Department Investigation Division Detective Sergeant

◦

▪ All cases involving non-family perpetrators when the victim is 14 years of age or older; and

◦

c. BOEC will call a CAT Supervising Detective Sergeant anytime a child 5 years of age or younger dies. The CAT Supervising Detective Sergeant will activate appropriate protocols.

B. Every attempt shall be made to ensure that a trained investigator respond to child abuse cases, however; this does not negate the responding patrol officer's responsibility to complete the initial crime and/or special report.

C. In all cases of acute sexual abuse, the responding officer or assigned detective shall assist the victim's non-offending guardian or DHS as appropriate by arranging for a forensic medical examination to be performed without delay. The detective or officer present shall take possession of the evidence kit and deliver it to the Gresham Police Department evidence locker, or Oregon State Police Crime Lab. Do not leave the evidence kit at the hospital.

D. In all cases of alleged child abuse, even if the allegation appears to be unfounded, the Department of Human Services (DHS) Child Abuse Hotline shall be notified prior to clearing the incident. The officer shall follow up the phone notification with a faxed copy of the written report prior to the end of the officer's shift.

E. All reports to DHS shall, if possible, include, the name of and contact information of the person reporting the alleged abuse (if different than the responding officer), the names and addresses of the child, the names and addresses of the child's parent or caregiver, the child's age, the nature and extent of the abuse, any evidence of previous abuse, the explanation given for the abuse, where the abuse occurred, and identity and whereabouts of the alleged abuser.

F. Write a crime report. However, if facts present indicate that a crime has not occurred, the responding patrol

DEPARTMENT PROCEDURES BY NUMBER

officer will write a Special Report and include the available contact information of all mentioned persons for future reference. A copy of reports must be forwarded to the Investigation Division Sergeant for review and/or further investigation. All reports shall include DHS notification information, i.e. date of notification, time of notification, person notified, etc.

G. Children of Indian Heritage - In accordance with the Indian Child Welfare Act of 1978, if the child is known or suspected to be of Indian heritage, the officer must take the following additional steps:

1. Notify DHS, or the facility to which the child is taken, that the child is or may be of Indian heritage.
2. All reports of Indian children being taken into protective custody will include the following information if known.

- a. Name and address of the child's parents and/or Indian custodian,
- b. Tribal affiliation,
- c. Whether the child resides on a reservation.

H. Under no circumstances, even if the allegation appears to be unfounded, will a coded disposition be given in lieu of writing a report.

I. If the initial response and investigation is conducted on public school premises, the school administrator shall first be notified, unless the administrator is the subject of the investigation. At the officer's discretion the administrator or a designated school staff member may be present to help facilitate the initial investigation.

4.3.5 INTERVIEWS SHALL BE CONDUCTED AS FOLLOWS:

A. Suspects

1. Interviews of suspects accused of committing Measure 11 child abuse related crimes shall not be conducted without first consulting with an Investigations Division or CAT supervisor or the assigned detective. Every attempt shall be made to conduct the initial suspect interview prior to the suspect being lodged. However, if possible, the interview should be conducted by the assigned detective.

a. Sexual Abuse

- (1) If the suspect is cooperative and the assault occurred within 72 hours, obtain clothes, condoms and all other items the suspect may have used during the sexual assault.
- (2) If the suspect does not wish to cooperate and the assault occurred within 72 hours, there may be evidentiary value in obtaining a search warrant to gather physical evidence from the suspect.

B. Victims

1. If the reporting person is not the victim, a detailed report shall be taken from the reporting person or other person who witnessed the alleged child abuse or to whom the victim disclosed abuse. No immediate interview of the child is necessary.
2. If the victim is the reporting person, the interview need not be in-depth. A general disclosure of abuse from the victim is sufficient to initiate a criminal investigation for referral to Investigations. Officers should not conduct interviews with children under age 12 unless specifically instructed to do so by an Investigations Division or CAT supervisor or the assigned investigator.
3. To reduce the number of times a victim must be interviewed, thereby, attempting to reduce the trauma to the child, interviews of the victim shall be conducted by the CAT investigator, the CARES Northwest or a specially trained Department detective when possible.

4.3.6 PROTECTIVE CUSTODY

A. Whenever possible, a decision to place a child in protective custody shall be a joint decision made by law

DEPARTMENT PROCEDURES BY NUMBER

enforcement and DHS. If a DHS worker has not jointly responded with the officer, the Child Abuse Hotline shall be consulted, when possible, when deciding whether removal is appropriate and what placement options are available. A joint determination as to whether protective custody is necessary is the best method to protect the interests of the child. However, by state rule, only a police officer may take a child into protective custody and therefore, the ultimate decision regarding protective custody is with the law enforcement officer.

B. A child shall be taken into protective custody by a police officer when:

1. The child has been the victim of sexual molestation by a family member, and that family member is still in the home, likely to return to the home, or the other members of the family are not supportive of the victim. In these cases, it is imperative that a Detective Sergeant is immediately notified of the situation.
2. The child is in imminent physical danger if not taken into protective custody.
3. Where it reasonably appears the child has run away from home. The officer taking the child into protective custody shall take the following action(s):

- a. Immediately release the child to a parent or guardian unless it appears the child would not willingly stay with the parent or guardian.
- b. If it appears the child will not stay with the parent or guardian, or if the parent or guardian refuses to take custody of the child, the child should be taken to an authorized facility. Authorized facilities and their locations may be obtained from the Records Section.
- c. DO NOT take a run away child to JDH unless s/he has committed a crime or is a run away from another state.

C. A child may be taken into protective custody when:

1. A person having custody or control of a child under 10 years of age, with criminal negligence, leaves the child unattended in or at any place for such period of time as may be likely to endanger the health or welfare of the child. ORS 163.545 Child neglect in the second degree (Class A misdemeanor.)
2. A person having custody or control of a child under 16 years of age, knowingly leaves the child, or allows the child to stay, in a vehicle where controlled substances are being criminally delivered or manufactured for consideration or profit or on premises and in the immediate proximity where controlled substances are criminally delivered or manufactured for consideration or profit. ORS 163.547 Child neglect in the first degree (Class B felony.)
3. Where the child's condition or surroundings reasonably appear to be such to jeopardize the child's welfare.
4. Where a child is in need of immediate medical attention and there is no parent or guardian present to authorize care, the attending physician shall obtain Juvenile Court permission by phone before delivering medical services.

D. If a child is taken into protective custody the officer shall complete the following:

- Notify an on-duty supervisor as prescribed in section 4.3.4A1 of this procedure.
- Notify DHS via the "Child Custody Confidential Memorandum" (supply maintained in the Report Writing Room) which shall be faxed to the Child Abuse hotline FAX number (503) 731-3080.
3. Make reasonable efforts to notify the parents immediately, regardless of time of day. Notification may be in person or by telephone; however, written notice must also be provided as soon as possible via the "Written Notice to Parent(s) of a Child Taken Into Protective Custody" form number 4.3B (supply maintained in the Report Writing Room). Notification, both verbal and written, will include the following:
 - a. Child or children's names; and
 - b. Reason(s) for protective custody; and
 - c. General information about the child/children's placement, i.e. placed in hospital, safe home, JDH, etc. Specific information such as the address of the placement should not be provided.
 - d. 24-hour telephone number of DHS (503) 731-3100.

DEPARTMENT PROCEDURES BY NUMBER

If parents are not present, the written notification shall be submitted to the Records Section for mailing.

3. By the end of shift, officers shall fax copies of all reports to Juvenile Court for preliminary hearing, which will be held the following day.

a. Intake Fax number – (503) 988-3140

b. D.A. Fax number –(503) 988-3218

Carla C. Piluso
Chief of Police

4.04 BLOOD BORNE PATHOGENS

4.4.1 PURPOSE

A. Exposure to blood borne pathogens may lead to sickness such as Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human Immunodeficiency Virus (HIV) that causes AIDS, and more than twenty other potential infections. The purposes of this procedure are:

1. To provide appropriate safeguards for members who may be exposed to blood borne pathogens.
2. To provide a source of reference for Department members in the use of the equipment provided for protection against exposure to blood borne pathogens.
3. To establish an inventory and inspection procedure to ensure that protective equipment is available and not contaminated.
4. To establish minimum standards for training of all members who perform tasks that place them in a risk exposure category.
5. To establish procedures to be followed when a member is exposed to the bodily fluids of another person.

4.4.2 EXPOSURE CATEGORIES

A. All sworn members, Police Technicians and Criminalists are considered to be in Exposure Category I. Category I exposure is defined as all job classifications in which all members in those job classifications have occupational exposure.

- Community Safety Specialists and Police Record Specialists are considered to be in Exposure Category II. Category II exposure is defined as all job classifications where normal work routinely requires no exposure to blood, body fluids or tissues, but may involve unplanned Category I tasks such as dealing with assaultive individuals.

C. Other members of the Department are considered to be in Exposure Category III. Category III exposure is defined as all job classifications where members are not called upon as part of their employment to perform or assist in high-risk exposure situations.

4.4.3 UNIVERSAL HEALTH PRECAUTIONS AND WORK PRACTICES

DEPARTMENT PROCEDURES BY NUMBER

A. As recommended by public health authorities, the Department will adhere to a program of Universal Precautions for protection against diseases spread by blood or bodily fluids ("bodily fluids" refers to fluids that may contain blood, blood products, semen, amniotic fluid, fluid surrounding the heart and lungs, or vaginal secretions but **NOT** feces, urine, sweat, saliva, vomitus, or tears). In addition, HBV and HCV can live up to 7 days in dried bodily fluid and shall be considered infectious.

B. For safety purpose, members will operate on the assumption that **ALL** blood and bodily fluids are potential carriers of blood borne diseases and will adhere to Universal Precautions to protect against AIDS and other diseases. These outlined general precautions will be followed:

1. Eating, drinking, smoking, applying cosmetics, lip balm or handling contact lenses are prohibited in the work areas, including field locations, where there is an anticipated exposure to blood borne pathogens.

2. The Oregon Administrative Rules mandate Universal Precautions at all times to prevent contact with blood or other potentially infectious materials. It is difficult or impossible to differentiate between bodily fluid types under circumstances present in the workplace. Therefore, ALL BODILY FLUIDS AND DRIED RESIDUE SHALL BE CONSIDERED POTENTIALLY INFECTIOUS MATERIAL, including blood and tissue or organs from either a living or dead human.

3. Any member rendering medical assistance that may expose them to blood or bodily fluids will take precautions against contamination (such as wearing Personal Protective Equipment (PPE): i.e., latex gloves while bandaging a bleeding wound or using a disposable mouth piece for CPR). A member exposed to blood or bodily fluids will, as soon as possible:

a. Remove rings, watches and all other jewelry in the exposed area.

b. If exposure is to a member in the field, wash the exposed area(s) with an approved waterless cleaner.

c. In all cases and as soon as possible, thoroughly scrub the exposed area(s) with soap and water.

4. Contact with non-intact skin, mucous membranes or piercing the skin barrier through such events as needlesticks, human bites, cuts and abrasions shall be immediately washed with soap and running water.

4.4.4 SAFEGUARD – PERSONAL PROTECTIVE EQUIPMENT (PPE)

A. The following items of equipment will be available to Department members:

1. Gloves in sizes large and medium, laerdal pocket masks, needle sharps containers, protective eye wear, waterless cleaner, Biosafe hand lotion. BIOHAZARD bags and BIOHAZARD labels are located in one or all of the following locations:

a. The report writing room.

b. The DUII processing room.

c. The storage room between Administration and Investigations.

d. Blue boxes in the trunks of all Department vehicles.

2. Face shields and protective clothing are located in the crime lab and property rooms.

3. Additional BIOHAZARD warning labels and bags may be obtained from the Administrative Sergeant, Criminalist, Senior Police Technician and Police Technician or from the storage room between Administration and Investigations.

DEPARTMENT PROCEDURES BY NUMBER

B. It shall be the responsibility of individual members to verify that items of Personal Protective Equipment are readily available during the normal vehicle check at the beginning of the shift. If the heat sealed plastic bag has been opened, members should exchange it for a sealed container through the duty supervisor.

C. Large sharps containers are available from the Gresham Fire Department.

4.4.5 CRIMINAL INVESTIGATIONS AND SPECIFIC SAFETY PRECAUTIONS

A. Crime Scene Processing

1. Wear appropriate PPE (i.e., protective gloves and clothing) as necessary to prevent direct contact with blood and bodily fluids. NOTE: The use of gloves does not eliminate the need for hand hygiene. Upon removing gloves wash hands with an approved alcohol-based hand rub.
2. Utilize proper evidence collection techniques and exercise extreme care when searching hidden areas, such as in dresser drawers, pockets, and any area that cannot be directly seen while searching.
3. Refrain from eating, drinking, smoking or applying makeup at any contaminated scene. Also, be careful to keep hands away from face, especially the mouth and eyes when handling evidence or when in contact with fluids.

B. Identification of Contaminated Material

1. Red plastic bags labeled "BIOHAZARD" shall be used to contain dry contaminated material until proper disposal.
2. Paper bags, affixed with a BIOHAZARD label, shall be used to contain wet contaminated material and all blood (wet or dry).
3. BIOHAZARD labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.
4. Warning labels shall be conspicuously posted on evidence, vehicles, clothing, storage containers and facilities (i.e., sharps containers, refrigerators, freezers) of potentially infectious materials.

C. Disposal

1. Decontamination and disposal of contaminated equipment and material will be done by the Gresham Fire Department.
2. Contaminated equipment and material will be placed in a red plastic bag, labeled for decontamination and taken to "the clean room" at Gresham Fire Station #71.
3. Needles, syringes and other sharps will be placed in a sharps container. If they are to be retained as evidence, the sharps container will be handled as evidence. Syringes, needles and other sharps that are not to be retained as evidence will be placed in a sharps container and taken to "the clean room" at Gresham Fire Station #71 for disposal by the Fire Department.
4. Patrol vehicles that become contaminated with bodily fluids will be immediately downed and a vehicle maintenance request forwarded to the Administrative Sergeant. The Administrative Sergeant will ensure that the vehicle is processed for decontamination.
5. Uniforms that become contaminated with bodily fluids will be placed in a red plastic bag, labeled for decontamination and taken by the officer to the dry cleaners.

4.4.6 DEATH SCENE PROCESSING

DEPARTMENT PROCEDURES BY NUMBER

- A. Wear appropriate PPE (i.e., protective gloves and clothing) as necessary to prevent direct contact with blood and bodily fluids.
- B. Prior to transporting a body suspected of being contaminated with an infectious disease, notify the receiving agency.
- C. Follow necessary decontamination procedures for personnel and the scene.

4.4.7 EXPOSURE REPORTING PROTOCOL

A. Blood borne pathogen information and reporting protocol packets are located in the Sergeant's office and the Administration Forms file cabinet. Packets will include the most recent information pertaining to exposure reporting protocol, treatment procedures, exposure reports, communicable disease guidelines, and information on blood borne diseases.

4.4.8 TESTING/COUNSELING/EVALUATIONS

- Following a report of an exposure incident, Risk Management shall make immediately available to the exposed employee, at no cost to the employee, a confidential medical evaluation and followup investigated by or under the supervision of specially trained licensed healthcare professionals. Tualatin Valley Fire & Rescue Exposure Service oversees this medical evaluation and followup process. Contact TVFR Exposure Service, (503) 721-0529 immediately, 24 hours per day. Follow instructions given by the licensed healthcare professional.
 - The medical evaluation and followup shall include documentation of routine exposure; circumstances under which the exposure incident occurred; identification and documentation of the source individual following Oregon law, unless it can be established that identification is not feasible.
 - The source individual's blood shall be tested in order to determine HBV, HCV, and HIV infection as soon as feasible and after consent is obtained.
 - - Since consent is not required for HBsAg (Hepatitis B surface Antigen) or HCV (Hepatitis C Virus) by Oregon law, the source individual's blood, if available, shall be tested and the results documented.
 - - Informed consent from the source individual shall be obtained for HIV testing (Oregon law requires informed consent for HIV testing).
3. If informed consent is not obtained, Exposure Control Officer shall establish that legally required informed consent could not be obtained. If HIV testing of source is deemed necessary for medical intervention, OAR 333-012-0269 "Procedures for Mandatory HIV Testing Following Occupational Exposure to Body Fluids" http://arcweb.sos.state.or.us/rules/OARs_300/OAR_333/333_012.html may be activated.
4. Oregon Administrative Rule 3330120264 requires that "a physician may notify an individual who has had a parenteral or mucosal exposure to blood or other body fluids from another individual whether that individual had been HIV tested, and if so, what the test results were, provided that: (1) the individual whose HIV test information released is notified in writing of this disclosure, and (2) the identity of the HIV tested person is not explicitly disclosed during the notification process."

DEPARTMENT PROCEDURES BY NUMBER

D. Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

E. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

1. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days.

2. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

- Post-exposure prophylaxis shall be made available when medically indicated and as recommended by the U.S. Public Health Service.
- Counseling and the evaluation of any reported illnesses shall be made available to the exposed employee through a qualified healthcare professional from the Tualatin Valley Fire & Rescue Exposure Service. To assist the healthcare professional who is evaluating an employee after an exposure incident, the following information is provided:

1. A copy of the Exposure Control Plan.

2. A description of the exposed employee's duties as they relate to the exposure incident.

3. Documentation of the route of exposure and circumstances under which exposure occurred.

4. Date and time of incident.

5. Results of the source individual's blood testing, if available.

6. All medical records relevant to the appropriate treatment of the employee including vaccination status.

H. After consultation, the healthcare professional will provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation containing the following information:

1. Whether Hepatitis B vaccination is recommended for the employee, and if the employee has received the vaccination.

2. Confirmation that the employee has been informed of the results of the evaluation.

- Confirmation that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

4. All other findings or diagnosis shall remain confidential and shall not be included in the written report.

4.4.9 RECORD KEEPING

A. The Training Unit shall maintain records that document the training and indicate the dates of the training sessions, the content and length of the training and names of the instructors and members who receive the training.

B. The City Risk Manager will maintain records of instances of member exposure including medical information and follow-up. These records will be kept confidential and will not be discussed or reported without the member's express written consent,

DEPARTMENT PROCEDURES BY NUMBER
except as required by law.

C. The City Risk Manager (Exposure Control Officer) will oversee the implementation of an approved exposure program. The TVRF Exposure Program shall be responsible for setting up the system and maintaining the records. The system will include the following information:

1. Name and Social Security number of the employee.
2. A copy of the employee's Hepatitis A & B vaccination and Tuberculosis testing status including the dates of all the Hepatitis vaccinations and any medical records relative to the employee's ability to receive vaccination.
3. Copies of the results of the examinations, medical testing and follow-up procedures that took place as a result of an employee's exposure to Blood Borne/Airborne Pathogens.
4. A copy of the information provided to the consulting healthcare professional as a result of any exposure to Blood Borne/Airborne Pathogens.
5. The above information, as all information in these areas, shall be kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law.
6. TVFR Exposure Service shall maintain the required records for at least the duration of employment plus 30 years.

4.4.10 TRAINING

A. The Training Unit of the Services Division shall coordinate an initial training program followed by annual refresher courses, as required by DPSST, for all Department members. Training shall include but not be limited to the following areas:

1. Modes of transmission of HBV, HCV and HIV.
2. Equipment available for protection.
3. The location of protective equipment, how to use it, and how to remove, handle, decontaminate and dispose of contaminated equipment.
4. Limitations of protective equipment.
5. Education regarding where to seek treatment, actions to be taken, and the appropriate reporting procedures in event of exposure.
6. Education about the effects of blood borne pathogens.

4.4.11 HEPATITIS B VACCINATION INFORMATION

A. All members who have a reasonably anticipated occupational exposure to Hepatitis B shall be offered the opportunity to receive the Hepatitis B vaccination series and any boosters as recommended by law. Receiving the Hepatitis B series is not mandatory, nor is it a bonafide occupational qualification.

B. Antibody testing shall be performed on all vaccination recipients to determine that the member is immune to Hepatitis B, or that the vaccine is contraindicated for medical reasons.

DEPARTMENT PROCEDURES BY NUMBER

C. A member may initially decline to receive the Hepatitis B series, and later decide to receive the series. The vaccination series can be provided at any time the member performs duties where there is a reasonably anticipated occupational exposure to Hepatitis B.

D. If any member declines to receive the Hepatitis B vaccination series, the member **MUST** sign a statement indicating the declination. The statement of declination will be maintained in the Risk Management files, with a copy maintained in the Training Unit files.

E. The Training Unit shall maintain copies of records that document vaccination or statement of declination, date, and member receiving or declining the Hepatitis B vaccination series.

Carla C. Piluso
Chief of Police

4.05 CITIZEN OBSERVER PROGRAM

4.5.1 PURPOSE

A. The ride-along program is designed to promote a mutual understanding between the police and the community by providing an opportunity for citizens to ride with and observe police officers performing their jobs. Sworn member participation in this program is voluntary; members will not be forced to accept ride-alongs and may terminate the ride-along at any time.

4.5.2 APPLICATION QUALIFICATIONS

A. Citizen observers will be a minimum of 16 years of age. Prior to submitting the form for approval, citizen observers under 18 years of age will ensure their ride-along form has been notarized and contains a parent or guardians' signature.

B. Department supervisors have the authority to deny ride-along requests. Department supervisors and host officers have the authority to terminate in progress ride-alongs.

4.5.3 APPLICATION PROCESSING

A. Applicants for the Citizen Observer Program will personally submit a signed Ride-Along Application (Appendix 4.5A) at least 10 days prior to the first requested ride-along date. The advance notice requirement may be waived by a watch commander. At the time of submission of the application, the applicant will be required to present suitable photo identification.

B. The "Release and Indemnity" section of the application (Appendix 4.5A) must be signed and notarized prior to turning it in. A new application must be submitted each time an individual wishes to ride.

C. Properly completed and notarized applications will be given to a Patrol Division Administrative Assistant, who will check the applicant for driving status and record, warrants, prior police contacts, and a criminal history check. The results of the check will be forwarded to the affected shift watch commander for review, approval or rejection and assignment to a host officer.

D. The Administrative Assistant will notify the applicant of the status of their application and/or ride-along date. This may be accomplished via telephone, electronically (computer, pager, etc.), or by postal delivery (Appendices 4.5B).

DEPARTMENT PROCEDURES BY NUMBER

E. The Administrative Assistant will retain all documentation pertaining to the application in a master file for a minimum of one year from the ride-along date or application rejection date.

4.5.4 HOST OFFICERS

A. Approved host officers must meet the following criteria:

1. Regular officer not working under the direction of a special review; and
2. Probationary regular officer with approval from the shift supervisor and the field training program coordinator.

4.5.5 PARTICIPATION

A. Citizen observers having, or appearing to have, recently consumed alcoholic beverages or drugs will **not** be allowed to ride.

B. Citizen observers should be clean and appropriately dressed in modest civilian attire. The Reserve Officer and Cadets should wear their appropriate uniform. In the event a citizen observer is wearing inappropriate attire or has unacceptable personal hygiene the host officer or on-duty supervisor may cancel the ride-along approval.

- The host officer shall instruct the citizen observer on the procedure required while riding, which shall include:

1. Citizen observers shall at all times remain under the control of the host officer and shall comply with all directions and requests of the host officer or other on-duty officers.
2. Citizen observers will wear seatbelts in any moving vehicle.
3. Citizen observers will wear a protective vest at all times during the ride-along.
4. Citizen observers will not carry firearms regardless if they have a concealed weapons permit. The only exception to this is for certified non-probationary police officers at the discretion of the host officer and with the shift supervisor's permission.

D. Citizen observers shall not interfere with investigations in any way by conversing with suspects, victims or witnesses, handling evidence or police equipment, or participating in any police activity unless directed to do so by an officer.

E. Host officer shall take due care in responding to crimes in progress, dangerous or violent situations or those involving sensitive matters. Citizen observers should remain in the police vehicle in these types of situations unless, for their safety, they are directed otherwise by the host officer. If it is not safe to leave an observer in the car, officers should attempt to drop the citizen observer off at a safe location or transfer them to another officer.

F. Officers with ride-alongs will not become involved as a primary unit in a vehicle pursuit. Assistance to the pursuit should be limited to blocking traffic or laying spike strips (see GO 4.12 Vehicle Pursuits). The only exception will be if the ride-along is a certified non-probationary police officer.

G. Citizen observers will **not** operate City equipment unless directed to do so, or in cases of emergency and the officer is unavailable, i.e., officer and/or citizen injury or life threatening situation.

H. A cumulative maximum of two citizen observers will be authorized to ride-along per shift. This includes persons riding with regular and Reserve host officer.

DEPARTMENT PROCEDURES BY NUMBER

I. Citizen observers will be limited to one ride-along in a six month period. This may be waived by a Watch Commander.

- Citizen observers will conspicuously attach their visitor identification, police identification or badge on their top lay of clothing, or on a lanyard.

Craig Junginger
Chief of Police

APPENDIX 4.5A

**Gresham Police Department
RIDE ALONG REQUEST**

Denial Notice

We are sorry to inform you that your ride along request has been denied for the following reason:

- Due to training obligations, we do not have officers available at this time.
- You live outside the City of Gresham.
- The dates/times you requested were before the application was turned in.
- You did not pass the background requirements.
 - The specific officer you requested is not available for that date/time.
 - Other: _____.

Denied by:
Date:

If you have any additional questions, you may contact us at 503-618-2320.

4.05 RIDE A LONGS

4.5.1 PURPOSE

A. The ride-along program is designed to promote a mutual understanding between the police and the community by providing an opportunity for citizens to ride with and observe police officers performing their jobs. Sworn member participation in this program is voluntary; members will not be forced to accept ride-alongs and may terminate the ride-along at any time.

4.5.2 APPLICATION QUALIFICATIONS

DEPARTMENT PROCEDURES BY NUMBER

A. Citizen observers will be a minimum of 16 years of age. Prior to submitting the form for approval, citizen observers under 18 years of age will ensure their ride-along form has been notarized and contains a parent or guardians' signature.

B. Department supervisors have the authority to deny ride-along requests. Department supervisors and host officers have the authority to terminate in progress ride-alongs.

4.5.3 APPLICATION PROCESSING

A. Applicants for the Citizen Observer Program will personally submit a signed Ride-Along Application (Appendix 4.5A) at least 10 days prior to the first requested ride-along date. The advance notice requirement may be waived by a watch commander. At the time of submission of the application, the applicant will be required to present suitable photo identification.

B. The "Release and Indemnity" section of the application (Appendix 4.5A) must be signed and notarized prior to turning it in. A new application must be submitted each time an individual wishes to ride.

C. Properly completed and notarized applications will be given to a Patrol Division Administrative Assistant, who will check the applicant for driving status and record, warrants, prior police contacts, and a criminal history check. The results of the check will be forwarded to the affected shift watch commander for review, approval or rejection and assignment to a host officer.

D. The Administrative Assistant will notify the applicant of the status of their application and/or ride-along date. This may be accomplished via telephone, electronically (computer, pager, etc.), or by postal delivery (Appendices 4.5B).

E. The Administrative Assistant will retain all documentation pertaining to the application in a master file for a minimum of one year from the ride-along date or application rejection date.

4.5.4 HOST OFFICERS

A. Approved host officers must meet the following criteria:

1. Regular officer not working under the direction of a special review; and
2. Probationary regular officer with approval from the shift supervisor and the field training program coordinator.

4.5.5 PARTICIPATION

A. Citizen observers having, or appearing to have, recently consumed alcoholic beverages or drugs will **not** be allowed to ride.

B. Citizen observers should be clean and appropriately dressed in modest civilian attire. The Reserve Officer and Cadets should wear their appropriate uniform. In the event a citizen observer is wearing inappropriate attire or has unacceptable personal hygiene the host officer or on-duty supervisor may cancel the ride-along approval.

- The host officer shall instruct the citizen observer on the procedure required while riding, which shall include:

DEPARTMENT PROCEDURES BY NUMBER

1. Citizen observers shall at all times remain under the control of the host officer and shall comply with all directions and requests of the host officer or other on-duty officers.
2. Citizen observers will wear seatbelts in any moving vehicle.
3. Citizen observers will wear a protective vest at all times during the ride-along.
4. Citizen observers will not carry firearms regardless if they have a concealed weapons permit. The only exception to this is for certified non-probationary police officers at the discretion of the host officer and with the shift supervisor's permission.

D. Citizen observers shall not interfere with investigations in any way by conversing with suspects, victims or witnesses, handling evidence or police equipment, or participating in any police activity unless directed to do so by an officer.

E. Host officer shall take due care in responding to crimes in progress, dangerous or violent situations or those involving sensitive matters. Citizen observers should remain in the police vehicle in these types of situations unless, for their safety, they are directed otherwise by the host officer. If it is not safe to leave an observer in the car, officers should attempt to drop the citizen observer off at a safe location or transfer them to another officer.

F. Officers with ride-alongs will not become involved as a primary unit in a vehicle pursuit. Assistance to the pursuit should be limited to blocking traffic or laying spike strips (see GO 4.12 Vehicle Pursuits). The only exception will be if the ride-along is a certified non-probationary police officer.

G. Citizen observers will **not** operate City equipment unless directed to do so, or in cases of emergency and the officer is unavailable, i.e., officer and/or citizen injury or life threatening situation.

H. A cumulative maximum of two citizen observers will be authorized to ride-along per shift. This includes persons riding with regular and Reserve host officer.

I. Citizen observers will be limited to one ride-along in a six month period. This may be waived by a Watch Commander.

- Citizen observers will conspicuously attach their visitor identification, police identification or badge on their top lay of clothing, or on a lanyard.

Craig Junginger
Chief of Police

APPENDIX 4.5A

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RIDE ALONG REQUEST**

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DEPARTMENT PROCEDURES BY NUMBER

- You live outside the City of Gresham.

- The dates/times you requested were before the application was turned in.

- You did not pass the background requirements.
 - The specific officer you requested is not available for that date/time.
 - Other: _____.

Denied by:

Date:

If you have any additional questions, you may contact us at 503-618-2320.

4.6 USE OF FORCE

4.6.1 PURPOSE

A. The purpose of this directive is to provide a single source of reference for all Department officers pertaining to authorization and use of force, including the discharge of Department authorized firearms. The use of physical force and deadly force are also covered by Oregon Revised Statutes (ORS 161.205 through 161.239). <http://www.leg.state.or.us/ors/161.html>.

4.6.2 DEFINITIONS

A. Deadly force: (161.015(3)) Any use of force that is readily capable of causing death or serious physical injury.

B. Serious Physical Injury: (161.015(8)) Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

C. Physical Injury: (161.015 (7)) Impairment of physical condition or substantial pain.

D. Physical force: The application of techniques that allow officers to exercise the necessary control over a subject without presenting a significant risk of death to that subject.

E. Reasonable: (ORS 161.245) An Officer holds a belief that is reasonable under the totality of the circumstances existing at the time and place the Officer acts as authorized.

F. Officer: The term "officer" as used in this procedure is defined as, and shall apply to, all police members authorized to carry a firearm on or off duty.

G. Firearm: Any weapon designed to propel a projectile or projectiles by the use of a chemical explosion and capable of causing serious physical injury or death.

H. Impact Weapon: Police baton, side-handle baton, collapsible baton, or any other instrument or device designed or used to block, jab, strike, or temporarily restrain or control a person by way of physical impact or extending the officer's ability to use control holds.

I. Electronic Control Weapon: A device designed to stun, restrain or incapacitate a person temporarily by way of delivering an electronic shock.

DEPARTMENT PROCEDURES BY NUMBER

J. Less Lethal Projectiles: Fired from a firearm or similar device, designed to stun or incapacitate a person temporarily without penetrating the body or causing serious physical injury or death.

K. Patrol Canine: A canine trained for and employed by law enforcement officers, the use of which includes, but may not be limited to, handler protection and the location and apprehension of persons or property.

4.6.3 USE OF FORCE TRAINING

A. Department certified defensive tactics instructors will conduct use of force training. All officers are required to attend annual in-service training that will include, but not be limited to:

1. Review of the Use of Force General Order.
2. Legal updates pertaining to the use of force.
3. Review of DPSST Use of Force Wheel.

B. The Administrative Sergeant will make every reasonable effort to reschedule officers for use of force training if they cannot attend their regularly scheduled date.

4.6.4 PARAMETERS FOR USE OF PHYSICAL FORCE

A. Where deadly force is not authorized, officers should assess the incident in order to determine which physical technique or weapon will best de-escalate the incident and bring it under control in a safe manner.

- Police Officers are authorized to use Department approved physical force techniques and issued equipment for resolution of incidents, as follows:
 - - To protect themselves or another from physical harm; or
- 2. To restrain or subdue a resistant individual; or
 - To bring an unlawful situation safely and effectively under control.

4.6.5 PARAMETERS FOR USE OF DEADLY PHYSICAL FORCE

- Specific Guidelines: Deadly force may be used only when it appears to the officer that there is no reasonable alternative under the following circumstances:
 1. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury or death.
 - - In effecting the arrest or preventing the escape of a person whom the officer has probable cause to believe has committed or is attempting to commit a felony involving the threat of death or serious physical injury.
- B. Officers shall NOT discharge a firearm at or from a moving vehicle except under the following circumstances:
 - - When the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury or death.
 - - In effecting the arrest or preventing the escape of a person whom the officer has probable cause to believe has committed or is attempting to commit a felony involving the threat of death or serious physical injury. In such situations, the officer must have a reasonable belief that the use of

DEPARTMENT PROCEDURES BY NUMBER

deadly force is necessary, and all other reasonable alternatives of apprehension or prevention of escape have been exhausted.

C. General Guidelines Governing the Use of Deadly Force

- **Justification:** Justification for the use of deadly force by an officer is limited to the facts as they reasonably appeared to the officer at the time of the decision to use deadly force.
- 2. **Exhaust Reasonable Means:** Reasonable and practical attempts for protection or apprehension will be exhausted before using deadly force. Reasonableness and practicality are to be judged based upon the circumstances that actually exist and are known to the officer at the time and place deadly force is used.
- 3. **Bystander Safety:** Any use of deadly force must be done with proper regard for the safety of bystanders.
- 4. **Officer Discretion:** When an officer may be permitted to use deadly force, the officer may refrain from doing so if he believes the use of such force is unnecessary under the particular circumstances.
 - **Decision to Display Firearms:** An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk the situation may escalate to the point where deadly force may be justified. When an officer has determined the use of deadly force is not necessary, the officer should, as soon as practical, secure or holster the firearm.

4.6.6 MANAGING THE USE OF FORCE INCIDENT

- A. Use the amount of force necessary to accomplish the lawful objectives.
- B. When using force, whenever possible, give the appropriate verbal commands.
- C. Photograph all injuries to the subject, yourself, and/or others.
- D. Charge the subject with the appropriate crime(s).
- E. If you are injured, even slightly, seek medical attention for a permanent record of your injuries.
- F. During the struggle, if your uniform is badly soiled or damaged, place it in evidence.

4.6.7 LEVEL OF FORCE

A. The completion of lawful duties and the protection of the public may require that officers employ various methods of control or application of force. Different levels of control available to officers include the officer's presence, verbal communication, physical contact, physical control, serious physical control, and deadly physical force. The levels of force are further described as:

- 1. **PRESENCE:** The officer has an expectation that inappropriate behavior will stop at the officer's arrival in uniform.
- 2. **VERBAL:** The questioning of a subject, the attempt to persuade a subject, or giving a direct order to a subject.
- 3. **PHYSICAL CONTACT:** Directing a subject by touch, or controlling a subject with some type of escort hold.
- 4. **PHYSICAL CONTROL:** Use of pressure points, joint manipulation techniques, physical control holds, and electronic control weapons(in a direct contact or drive stun application).
- 5. **SERIOUS PHYSICAL CONTROL:** Use of chemical weapons, focused blows, impact weapons, and electronic control weapons (used in a projectile application at any distance away from the direct contact with the subject at the time of deployment).
- 6. **DEADLY FORCE:** Under the circumstances, of which it was intended to be used, any force capable of causing serious physical injury or death.

B. Officers shall use only the level of force reasonable and necessary to accomplish the lawful objective. Based on the totality of the circumstances Officers are authorized to use that level of force which is reasonable and necessary to protect themselves and/or others from bodily harm.

DEPARTMENT PROCEDURES BY NUMBER

C. Sudden escalation of threats, aggression, or resistance by suspects may preclude the use of lesser levels of force or control by officers. The decision to employ any given level of force, including deadly force, must be based on the facts known to, or reasonably believed by officers at the time the action is taken.

4.6.8 LEVELS OF RESISTANCE

A. STATIC: The threat refused to comply with commands by continuing to possess a weapon in a non-threatening way, balking, becoming dead weight, or grasping a solid object.

B. ACTIVE: The threat physically resists the officer's verbal commands and/or attempts to gain physical control by pulling away, attempting to run, or powering through a control hold.

C. OMINOUS: The threat demonstrates the willingness to engage in combat through verbal challenge, threats and/or aggressive behavior, or refusing to drop a weapon.

D. LETHAL: The threat possesses the intent, means, and opportunity to inflict serious physical injury or death. The means can be with a weapon or empty-handed.

4.6.9 METHOD OF FORCE

A. VERBAL COMMAND: In the majority of situations requiring police intervention the officer's verbal command is the only force necessary. The officer's tone of voice and attitude, the clarity of directions, and choice of words are factors that bear on the effectiveness of a verbal command.

B. CONTROL TECHNIQUES: If the use of a verbal command is not effective, or is not likely to be effective in controlling an individual, an officer may need to resort to the next level of force which is the use of properly applied control techniques including, but not limited to, the use of handcuffs, hobbles, blocking maneuvers, and control holds.

- - - Control holds include techniques to overcome resistance or prevent suspects from escalating a situation that endangers the officer, the arrestee, or other persons. Examples of control holds include, but are not limited to, shoulder lock, hair holds, and wrist holds.

2. Restraints/Handcuffs. Every person taken into custody shall be handcuffed with their hands behind the back, unless such handcuffing is impossible (e.g. an amputee) or impracticable. In such an event, an officer shall use appropriate safeguards to secure the person.

C. AEROSOL SUBJECT RESTRAINT: Oleoresin Capsicum (OC) is the Department authorized aerosol restraint. OC may be used to subdue a person who is resisting arrest or is otherwise combative and when resistance or threats of violence represents potential escalation of necessary force and officers fear potential injuries to the officer, the arrestee, or others present. The officer should consider he might be affected to a greater degree than the person who is resisting, and that the effect of the OC on a particular person cannot be predicted.

1. Officers will only be authorized to use OC after successful completion of Department approved training.
2. Any use of OC requires that the use, and the reason(s) for the use, be documented in a police report.

D. POLICE BATONS:

1. Officers may only carry Department approved batons. Approved batons include:
 - a. Standard police baton, or
 - b. Asp.

DEPARTMENT PROCEDURES BY NUMBER

2. An officer is authorized to use a baton at the "Serious Physical Control" or "Deadly Force" levels of the Force Continuum (see appendix 4.6B). An officer is further authorized to use a baton in the performance of his official duties under the following circumstances:

- a. When actively engaged in attempting to quell civil disorder.
 - To apply one of the Department approved come-along holds as instructed in Departmental or DPSST defensive tactics training.

3. Officers shall not be authorized to carry any baton unless Department approved training has been completed.

E. FLASHLIGHTS: Members may only use a flashlight as a means of defense to overcome sudden attack or in an emergency. Any use of a flashlight as a weapon will conform to the same criteria as for batons in 4.6.9.D above.

F. LESS-LETHAL: Only members who are currently certified in the proper use and deployment of less-lethal sub-munitions are authorized to carry and deploy the designated weapons during actual field operations, unless exigent circumstances dictate the action is reasonably necessary for the preservation of life, or the safety of the officer or others.

G. ELECTRONIC CONTROL WEAPONS: Officers who have been trained in the use of the Electronic Control Weapons shall be allowed to carry and deploy the device. The use of the Electronic Control Weapon is considered *physical control* when the ECW is applied in direct contact with the subject at the time of application and *serious physical control* when the officer deploys the ECW projectiles at ANY distance away from direct physical contact with the subject as it relates to the intent of the officer at the time of application.

H. FIREARMS: An officer is authorized to use a firearm when the conditions of deadly force are authorized. Officers, who discharge a firearm other than at training or at a range, will need to file a report to document the discharge.

1. An officer is further authorized to discharge a firearm in the performance of his official duties under the following circumstances:

- a. To kill or deter a dangerous animal, or to kill an animal that is so badly injured it should be destroyed to prevent further suffering; or
- b. At a firing range pursuant to all safety rules and regulations; or
- c. To provide cover fire, an officer may discharge firearms in a tactical situation to neutralize the use of deadly force by a suspect(s) so that police or other persons can maneuver in safety.

2. Unless extreme circumstances dictate, officers are prohibited from discharging firearms under the following circumstances:

- a. As a signal; or
- b. As a communication method.
- c. Warning shots.

3. Firearm Discharge Within the City: Whenever an officer discharges his firearm accidentally or intentionally, either on or off duty within the City limits, except as authorized by this directive, the following shall occur immediately:

- - Determine the physical condition of any injured person and render first aid when appropriate, and request any necessary emergency medical aid.

DEPARTMENT PROCEDURES BY NUMBER

- b. Notify the immediate supervisor of the incident and location.
- c. When applicable an officer will be assigned log duty recording all person's entering the scene, the time of their entry and exit, and their specific responsibility at the scene.
- d. The first responding officer will protect the scene, save physical evidence and preserve the firearms for examination.

4. Firearm Discharges Outside the City: Officers who discharge firearms outside the jurisdiction either on or off duty, accidentally or intentionally except as authorized in this directive, shall immediately:

- a. Determine the physical condition of any injured person and render first aid when appropriate, and request any necessary emergency medical aid;
- b. Notify the law enforcement agency having jurisdiction and the on-duty supervisor of the Gresham Police Department of the incident and location;
- c. Protect the scene, save physical evidence and preserve the firearms for examination.

4.6.10 MEDICAL TREATMENT OF INJURED SUSPECTS

A. Once a person is in police custody, it is the responsibility of the officers to render or obtain any medical aid required. With any use of physical force where an injury has occurred or is alleged, the officer should observe and evaluate, obtain medical aid, notify a supervisor and document the incident. Officers will treat injured suspects in accordance to G.O. 4.10 Medical Services for Persons in Custody [\alpha1_Jan\cog\Police\Dept Procedures\04 CRITICAL TASK G.O. Chap 4\4.10 Medical Services for Persons in Custody.doc](#) and will ensure the following care is provided:

Do you need the alpha etc listed? Can you just reference the GO Chapter 4/4.10? DN

- - - Oleoresin Capsicum:
- a. Flushing of the eyes with cool water.
- b. Monitoring the person for complications.

- Less-Lethal:

1. When an individual has been struck with one or more sub-munition rounds, they will be transported to a hospital for a medical review and/or treatment of injuries. If immediate medical attention is needed the officer will immediately request medical assistance.
2. If the suspect refuses medical treatment, they will be transported to the hospital for evaluation. The officer will document the refusal of medical treatment at the hospital.

- ELECTRONIC CONTROL WEAPON:

- - When an individual has been energized with an electronic control weapon, officers will request EMS respond to remove probes embedded in the subject's skin and evaluate their medical condition. Under normal circumstances officers will not attempt to remove the ECW probes or allow the suspect to remove the probes themselves. If immediate medical attention is needed the officer will request medical assistance as soon as it is safe to do so and or practical given the specific conditions or circumstances at the time.

(Refer to ECW G.O. 4.18.4.h, I, & J. for medical treatment requirements following the application of an ECW).

4.6.11 USE OF FORCE REPORT

- Whenever an officer must employ physical force in the course of arrest, over-coming resistance, or controlling a situation, AND the force results in an injury or is likely to have caused an injury, or is likely to result in civil or criminal litigation, or is otherwise required within the body of the GPD

DEPARTMENT PROCEDURES BY NUMBER

use of force G.O. (OC use, ECW use, etc.), or ANY use of an ECW, (i.e. laser, arc display, or drive stun/probe application), the use of force must be documented in the narrative section of the written report. The narrative of the report should include, but is not limited to:

1. Noting weather and lighting conditions, pedestrian and vehicular traffic congestion or flow, availability of back up, your distance from the suspect;
2. Describing how you applied the technique or force option;
3. Explaining why you used that method, technique, and level of force;
4. Avoiding vague terms (i.e., aggressive, threatening, resisted, struggled, etc.). Instead, describe in detail the suspect's behavior/actions that necessitated the force;
5. Identifying the Officer vs. Threat Factors and influential circumstances that necessitated the level of force;
6. Describing the suspect's physical size and appearance (including facial expressions, threatening gestures, etc.);
7. Describing the scene of the incident in detail. Include environmental weapons, physical barriers, and specific locations; and
8. Describing the first aid/post-force care given and describe the injury, or possible injury, to the recipient.

In addition, a Use of Force Report Form (separate document) will be completed and submitted to the Defensive Tactics Lieutenant, via the chain of command.

- If no crime or incident report is written, a "Special Report" shall be completed indicating the nature of the call, level of force used and the disposition. (Example: Dispatched on an unruly juvenile; arrived to find an intoxicated, uncooperative, combative youth; used physical force to control subject; parents arrive; released juvenile to parents; no referral, no crime or incident report. Need a Special Report detailing the incident [disturbance by intoxicated juvenile], level of force used to control the subject and disposition [cleared exceptionally because no arrest and no further action required].)

- All use of force reports will be reviewed by the officer's immediate supervisor for approval. The supervisor will review to determine if the use of force is within policy. Any issues will be documented in an officer performance log entry sent immediately to the Use of Force Supervisor. A use of force found to be out of policy shall result in an investigation. The Use of Force Supervisor will document any corrective action. Immediately upon review but no later than four days following the incident, the supervisor will forward the report with his recommendations, up the chain-of-command to the Chief of Police.

D. Memorandums on use of force should be generated by a supervisor when an incident needs further administrative review.

4.6.12 INVESTIGATION

- Discharge of Firearms Investigation: The Department will investigate all incidents in which an officer discharges a firearm while acting in the capacity of a police officer, except:

1. The discharge of firearms at range target practice or organized shooting matches, or firearms examinations in the furtherance of an investigation;
2. The discharge of a firearm for the purpose of killing a dangerous or injured animal.
3. Cases involving serious injury or death will be investigated by the Major Crimes Team.

B. Involved Officers' Responsibilities:

1. An involved member will not be required to complete any reports or give any oral or written statement about the discharge of a firearm, where the discharge of the firearm has resulted in an injury or death to another individual, before the officer has had an opportunity to consult with an Association Representative and/or an attorney. An involved member shall be provided at least 72-hours advance notice of any interview of the member related to an internal affairs investigation or criminal investigation.

DEPARTMENT PROCEDURES BY NUMBER

2. All other witness officers shall complete reports of the incident before going off duty. Reports will contain information regarding the weapons involved, number of shots fired, persons involved, injuries or damage, names of witnesses and other pertinent information. The report should specifically state the facts and circumstances of the occurrence.

C. Discussion of the Incident: Officers involved should not discuss the case with anyone except an Association Representative and/or a personal attorney, the assigned investigator, or their supervisor, until after the initial reports are completed.

D. Supervisor Responsibilities:

- The scene - supervisors shall be responsible for the following:
- Secure the scene; and
- Notify the Watch Commander.

2. All unauthorized persons, including police officers not required at the scene, will be directed to leave or stay clear of the scene. The scene will be protected until the completion of all investigations.

3. Supervisors will direct the involved officer be escorted to the Department.

4. Supervisors will promptly but discretely (i.e., private, out of view of the public and other officers if possible) obtain possession of the weapon(s). Firearms must not be removed from their holsters; obtain the entire gun-belt if necessary to avoid removing the weapon from its holster.

5. Supervisors should inspect the firearms of all officers present during the shooting incident.

6. Supervisors shall make detailed notes of the weapon(s) readily visible general description and condition, the appearance, and the location of any adhering trace evidence, to the extent these observations can be made without removing a firearm from its holster or otherwise compromising physical evidence.

7. Supervisors will ensure replacement weapons are issued to officers involved in a shooting.

E. Watch Commander Responsibilities:

1. Upon notification of an officer involved use of deadly force incident, the Watch Commander will notify investigative personnel.

F. Investigative Personnel Responsibilities:

1. Use of Force Incident – Upon notification of an officer involved use of force incident; investigative personnel will gather evidence and complete the investigation.

The purpose of the investigation will be to determine whether the officer violated any state laws. The investigation will be conducted in a manner to ensure the officer's constitutional rights are protected.

2. Serious Injury or Death Incident – Upon notification of a serious injury or deadly force incident, investigative personnel will activate the Major Crimes Team.

G. Major Crimes Team Responsibilities:

1. Upon notification of an officer involved serious injury or deadly force incident, the Major Crimes Team personnel will:

- a. Notify the designated representative of the District Attorney's Office; and
- b. In those cases involving death, notify the Medical Examiner's Office and advise them of the activation of the Major Crimes Team; and
- c. Collect and preserve physical evidence from the scene to include analysis of forensic evidence; and
- d. Conduct the Investigation and comply with reporting requirements.

DEPARTMENT PROCEDURES BY NUMBER

H. Chief of Police Responsibilities:

1. Release of Names of Department Personnel – The name(s) of all officers involved in a shooting that results in serious physical injury or death will only be released by the Chief of Police or at the Chief's specific direction and only with the concurrence of the District Attorney's Office.
2. Assigned Leave – The Chief of Police or designee shall, upon completion of preliminary reports of the incident, place on leave any officer directly involved in the use of force that results in serious physical injury or death, or any officer directly involved in a shooting. This leave shall be without loss of pay or benefits pending the results of a full investigation. The assignment to leave shall in no way imply or indicate that the officer has acted improperly. While on leave, the officer shall remain available for official Departmental interviews and statements regarding the incident, and shall be subject to recall to duty at any time.

I. Review of the Investigation: Upon completion of the investigation, the Chief of Police may:

1. Suspend the officer without pay, if criminal charges are filed against the officer; or
2. Retain the officer on administrative leave pending a final determination by the Use of Force Review Board; or
3. Return the officer to an assignment as determined by the Chief of Police; or
4. Direct further investigation.

4.6.13 USE OF FORCE REVIEW BOARD

The Use of Force Review Board shall be convened at the direction of the Chief of Police following completion of a full investigation.

A. Board's Charge

1. The Use of Force Review Board shall recommend whether or not the use of force was within the parameters of Department standards.
2. The review board shall not be concerned with penalties for violations of rules, regulations or procedure.

B. Board's Proceedings

1. The Use of Force Review Board shall be composed of a minimum of three members that will consist of one or more supervisors and at least one officer of the same rank as the involved officer. The senior ranking officer shall serve as the chairperson.
2. The chairperson of the Board shall notify in writing each member involved in a case reviewed by the Board. Such notification shall be:
 - a. In a memorandum stating the date, time and location of the Board meeting, giving involved members sufficient advance notice that their appearance is mandatory.
 - b. Scheduling revisions shall be made when necessary to accommodate conflicts such as court, vacation, etc.
3. All Board hearings are confidential and shall be conducted in private.
4. The Board will consider all reports, information, and evidence and if necessary, call witnesses. All Department members will cooperate fully with the Board.
5. Department members appearing before the Board may present testimony, evidence, and call witnesses favorable to the analysis of the use of force.
6. All members subject to a review by the Board will be afforded all rights pursuant to Gresham Police Department Rules and Regulations. The Board chairperson who will confirm that the member has been informed of his rights will complete Appendix 4.6A.

C. Findings and Recommendations

DEPARTMENT PROCEDURES BY NUMBER

1. Findings and recommendations of the Board will normally be completed within 45 days from the date of assignment. The Chief of Police may grant an extension of time. Members involved in the use of force review process will be notified in writing if an extension is granted beyond the 45-day period.

2. A summary of the findings and recommendations of the Use of Force Review Board shall be submitted to the Chief of Police in memorandum form. The Board recommendations will be signed by all members of the Board and will indicate whether the Board member agreed with or dissented from the recommendation. The summary shall address the following areas:

- a. The use of force was justified under the provisions of this directive.
- b. The use of force was not justified under the provisions of this directive.

3. A detailed written account of the Board's investigation/review will be completed and attached to the summary as supportive documentation of the Board's findings. This document will include a finding of facts, a summary of the testimony, and the reasons Board members agreed with or dissented from the recommendation.

D. Review of Board Recommendations

1. Upon receipt of the Board's recommendation the Chief of Police may:

- a. Reinstatement of the officer to duty if it is determined that the incident was justifiable.
- b. Refer the matter to the appropriate command staff member for correction of procedural, training, or supervisory deficiencies.
- c. Take appropriate disciplinary action.

2. If the Chief of Police intends to take disciplinary action, the member will be notified in writing of this decision. The member will be given ten days to appeal the decision. Appeals will be made directly to the Chief of Police.

3. A copy of the documents pertaining to the Use of Force Review Board will be provided to the member by the Chief of Police.

E. Records and Documentation – Review Board

1. All records and documentation prepared by the Use of Force Review Board will be maintained in the Administrative files of the Department.

2. A control number will be assigned to each incident coming under the review of the Use of Force Review Board.

Craig Junginger
Chief of Police

APPENDIX 4.6A

Gresham Police Department Use of Force Incident Review Board

Control Number

DEPARTMENT PROCEDURES BY NUMBER
Involved Member

Date

ADVICE OF RIGHTS FORM

1) Member advised of purpose of Review Board

2) Member advised of Board members and who will be conducting the interviews

3) Member advised of Rights

A) You have the right to have legal counsel or another member present as a witness during all interviews.

B) You have the right to a copy of all documents contained in the Use of Force Review Board process.

C) You are further advised that this investigation is conducted to obtain information for use in an administrative process decision. You are required to answer all questions fully and truthfully which are related to the matter under investigation. Failure to answer all questions fully and truthfully may result in severe disciplinary action, including dismissal for insubordination. Any information obtained through this process may not be used against you in any later criminal or civil proceedings.

Chairperson, Use of Force Review Board Date

4.06 USE OF FORCE REPORT FORM

Gresham Police Department

01 Defend self 03 Make arrest 05 Civil hold 07 Other _____

02 Defend another 04 Prevent escape 06 Accomplish official purpose (explain) _____

Warning Given Before Deployment: YES NO Not feasible

01 Pressure points 03 Takedowns 05 Not applicable

02 Control holds 04 Hobble **EFFECTIVE?** YES NO

01 Hands/Feet 03 Flashlight 05 Other _____

02 Baton 04 Not applicable **EFFECTIVE?** YES NO

Distance (Feet) 01 1-3' 02 4-7' 03 7+ 04 Not applicable

Duration (Seconds) 1st _____ 2nd _____ 3rd _____ **EFFECTIVE?** YES NO

Impact Munitions

Type/Distance

Officer YES NO

Suspect YES NO

DEPARTMENT PROCEDURES BY NUMBER

- 01 Bean bag _____ Feet 04 Other _____ Feet
- 02 Stingers _____ Feet _____
- 03 Sage _____ Feet
- YES NO If not, why?
- 01 Clothing 04 No physical effect
- 02 Missed 05 Other _____
- 03 Malfunction _____

USE OF FORCE REPORT

PAGE 1 OF 2

Case No. Refer Case No. Classification Date/Time Reported Date/Time Occurred Location of Occurrence Suspect Name Sex Race

Remarks

Use of Force / Control Necessary to:

Physical Control:

Impact Weapons:

Pepper Spray:

CHECKED BY MEDICAL

EFFECTIVE?

Rounds Fired _____ **Hits** _____

Where Impacted _____

GRESHAM POLICE DEPARTMENT

Taser **Not applicable**

- 01 Probe
- 02 Drive stun
- 03 Laser only
- 1 4
- 2 5
- 3 OTHER _____

- 01 0-5' 03 11-15'
- 02 6-10' 04 16-21"

Did Probes Penetrate the Skin? YES NO

- YES NO If not, why ?
- 01 Heavy clothing 04 Malfunction 07 Other _____
- 02 Subject moved 05 One probe _____
- 03 Missed _____

Taser Serial # _____ **Cartridge #** _____

Officer Suspect

- 01 None
- 02 Bruises
- 03 Abrasions
- 04 Lacerations
- 05 Broken bones
- 06 Other _____

Officer YES NO

Suspect YES NO

Officer YES NO _____

Suspect YES NO _____

Case No.

USE OF FORCE REPORT

PAGE 2 OF 2

Application

Cycles

Distance (Feet)

Checked

DEPARTMENT PROCEDURES BY NUMBER
EFFECTIVE?

Injuries by Medical Taken to Hospital Where
A = Drive Stun C = Munitions E = Impact Weapons
B = Probes D = Pepper Spray
Name/DPSST

4.06 USE OR FORCE ROUTING REPORT

GRESHAM POLICE DEPARTMENT
TRAINING DIVISION

COVER/ROUTING SHEET - USE OF FORCE REVIEW FORM

File # _____

IMMEDIATE SUPERVISOR REVIEW REVIEWED BY: _____

DATE RECEIVED: _____

RECOMMENDATIONS _____

DEFENSIVE TACTICS LT. REVIEW REVIEWED BY: _____

DATE RECEIVED: _____ DATE REVIEWED: _____

RECOMMENDATIONS _____

DIVISION COMMANDER REVIEW REVIEWED BY: _____

DATE RECEIVED: _____ DATE REVIEWED: _____

RECOMMENDATIONS _____

CHIEF'S REVIEW REVIEWED BY: _____

DATE RECEIVED: _____ DATE REVIEWED: _____

RECOMMENDATIONS _____

DEFENSIVE TACTICS SGT. REVIEW REVIEWED BY: _____

DATE RECEIVED: _____ DATE REVIEWED: _____

RECOMMENDATIONS _____

TRAINING DIVISION REVIEW REVIEWED BY: _____

DATE RECEIVED: _____ DATE REVIEWED: _____

RECOMMENDATIONS _____

*DISPOSITION _____

* Completed by the DT Unit supervisor or his designee

4.07 REPORTING ACCIDENTS/CITIZEN INJURIES FOR INSURANCE

4.7.1 PURPOSE

DEPARTMENT PROCEDURES BY NUMBER

A. To establish a procedure that will result in a complete information system addressing losses or accidents.

4.7.2 SCOPE

◦ This procedure is to be used to report losses, incidents or accidents.
Such losses or accidents include, but are not limited to, the following examples:

- Theft of Department equipment (i.e., portable set);
- 2. Fire;
 - Damage to Department owned vehicles as well as damage to a privately owned vehicle being used for City business;
- 4. Damage to any citizen's vehicle which is the result of police action;
 - Property damage incurred by a citizen as the result of action by a police officer without malicious intent;
- 6. Damage to City or Department property;
 - Injuries to private citizens while in contact with the Department or any of its members.

B. The City's Risk Manager is to be promptly notified of any occurrences as outlined in A. 1. through 7. above. Additionally, the Risk Manager is to be promptly notified if a citizen participating in the Citizen Observer Program is injured, even though the citizen has been required to sign the Release and Indemnity Agreement prior to participation in the program.

C. The "Accident/Incident and Damaged or Stolen Property Report", hereafter referred to as the "Accident/Incident Report" is NOT to be used for reporting personal injury to Department members when there is no other related damage, loss, or injury to a private citizen. Refer to General Order 5.6 for reporting employee injuries.

4.7.3 LOSS REPORTING

A. The reporting of a loss to the City's Risk Manager is the responsibility of the Chief of Police or his designee. To facilitate such reporting, it is the responsibility of each individual Department member to report such loss to their immediate supervisor and to complete the Accident/Incident Report.

- The written report of loss will contain information as requested on the Accident/Incident Report. This report shall be used to report any incident as outlined in sections 4.7.2.A and B above.
 - Section II of the Accident/Incident Report shall be completed when there is a vehicle damaged. The form will be completed by the most appropriate Department member involved in the accident. In addition, a copy of the police report shall be attached to the report when forwarded. All losses, regardless of their significance are to be reported.
 - All vehicular accidents with an estimated damage of one thousand five hundred dollars (\$1500.00) or more also requires the member to complete a Department of Motor Vehicles State Accident Form.
 - All vehicular accidents resulting in injury, regardless of the amount of property damage, also require completion of a Department of Motor Vehicles State Accident Form.
3. Insurance information to include on the State Form may be obtained from the insurance card located in each vehicle.
- Section I. of the "Accident/Incident Report" is to be utilized for reporting losses to citizen property, i.e., damage to homes due to method of entry by officers or damage to other citizen's property. This section of the form shall also be used in any instance where a citizen is physically injured on City property or if, during an arrest, there is apparent physical injury to the subject, either self-inflicted or due to the actions of a member of this Department.

DEPARTMENT PROCEDURES BY NUMBER

1. If there is no apparent sign of physical injury to an arrested subject, no Accident/Incident Report is necessary at the time; however, this should be noted on the Custody form for possible future reference.
 - If the subject reports back to the Department at a later date that there was an injury due to actions by a member of this Department, a report shall be filed at that time. Photographs of all alleged physical injuries should be taken at the time the complaint is made.

4.7.4 INVESTIGATION PROCESS

- Traffic collisions which involve more than \$1500.00 property damage, injuries, or requires the completion of a State Accident Form, will require the on duty shift supervisor to notify the Traffic Unit supervisor. The Traffic Unit supervisor shall designate, as Lead Investigator, a VCT member of an agency not involved in the incident.
 - Traffic collisions which involve less than \$1500.00 damage, no injuries or does not require completion of a State Accident form, will be investigated by the on-duty patrol supervisor or a traffic officer.
- C. Traffic collisions that occur outside the City Limits of Gresham should be investigated by the jurisdiction in which the collisions occur. Members shall notify an on-duty Gresham supervisor as soon as practical. If the agency in which the collision occurred is not able to investigate the collision, the on-duty supervisor shall determine the most appropriate course of action given the circumstances.
- D. In high liability or high profile collisions, the on duty shift supervisor shall notify the Traffic Unit supervisor who shall designate, as Lead Investigator, a VCT member of an agency not involved in the incident.
- E. Members involved in traffic collisions while driving rental vehicles while away on training shall adhere to 4.7.4.C above.

4.7.5 MEMBER RESPONSIBILITIES

- A. Members who have been involved in an accident or who witness a citizen injured on City property, etc. shall:
1. Render assistance first. In the event of a minor injury, offer help and first aid.
 2. If the injured person shows signs of needing medical attention, request medical assistance.
 3. Stay on the scene to render whatever help possible. Start gathering information. DO NOT DISCUSS WHO IS TO BLAME OR WHO IS LIABLE.
 4. If at all possible, request a supervisor respond to the accident to ensure procedure is followed, or if a police supervisor is unavailable, notify Risk Management.
 5. Complete the required form(s) as outlined above and submit through the chain-of-command.

4.7.6 DOCUMENT TRANSMITTAL

- Submit all copies of the Accident/Incident Report through the chain-of-command to Risk Management. Note: Administration maintains a supply of the Accident/Incident Report. Additionally, Accident/Incident Reports may be obtained through "Outlook" then go to "All Public Folders" then "Risk & Safety."
- Submit one copy of all police reports related to the incident through the chain-of-command to Risk Management with the Accident/Incident Report.
- Submit the original DMV State Accident form through the chain-of-command.

Carla C. Piluso
Chief of Police

4.08 EMERGENCY MENTAL COMMITMENTS

4.8.1 PURPOSE

- This order outlines the procedure officers are to follow when assisting persons in crisis.

4.8.2 RELATED ORS STATUTES

A. 426.005 (<http://www.leg.state.or.us/ors/426.html>)

B. 426.228 (<http://www.leg.state.or.us/ors/426.html>)

4.8.3 DEFINITIONS

- “Mentally ill person” means a person who, because of a mental disorder, is one or more of the following:
 - Dangerous to self or others.
 - Unable to provide for basic personal needs and is not receiving such care as is necessary for health or safety.
 - “Facility” means a state mental hospital, community hospital, residential facility, detoxification center, day treatment facility, etc.

4.8.4 PROCEDURE

- A police officer may take into custody a person who that officer has probable cause to believe meets one of the following criteria:

1. The person has indicated by word or conduct that they are a danger to themselves or to any other person; and

2. The person is in need of immediate care, custody or treatment for mental illness.

- - Officers may consult the organization(s) identified in Special Order 4.8.1-02 when the person in crisis does not meet the criteria for a police hold. The Crisis Line may dispatch a team of workers, The Mobile Crisis Team, to a scene to assist, at their discretion.

C. While The Mobile Crisis Team has the authority to make transports of persons in crisis, they do not have a secure means of transporting potentially violent persons. Under these conditions, the person may be restrained and transported in the officer’s vehicle or as directed by the Community Mental Health and Developmental Disabilities Director (see ORS 426.228).

D. Custody

1. Officers who take persons in crisis into custody will transport the person to the nearest Emergency Room for evaluation and possible treatment.

DEPARTMENT PROCEDURES BY NUMBER

E. Transports - Persons in crisis may be handled via any of the following methods:

1. Officers will transport the affected individual they have taken into custody.
2. Officers will transport the affected individual as directed by the Community Mental Health and Developmental Disabilities Program Director.
3. The Mobile Crisis Team may be dispatched to transport a person who has been taken into custody by one of their agents or by a police officer.
4. The person in crisis may be transported by ambulance if the officer has probable cause to believe he is in need of medical attention due to a serious physical injury or illness. If the person in crisis is transported by ambulance, they will be taken to Portland Adventist Hospital emergency room for treatment, unless a more urgent need exists and then they will be transported by ambulance to the medical facility deemed most appropriate by on site medical personnel.
 - After receipt of treatment by an emergency room, and when practical (i.e., when the person in crisis is being referred from an emergency room), the referring emergency room physician will speak with the crisis triage center staff psychologist about the referral *prior* to the patient being transferred. Patients will not be transferred from an emergency room without the approval of a crisis triage center staff psychologist.

4.8.5 DOCUMENTATION REQUIREMENTS

A. The following documentation will be completed for emergency mental commitments:

- Gresham Police Department "Incident Report" with narrative; and
2. "Report of Peace Officer Custody of an Allegedly Mentally Ill Person" form (See Appendix 4.8A).

Copies of each of these documents will be left with personnel at the emergency room prior to the officer's departure from that site.

B. The officer will then return to the Department and immediately submit the completed documents for report processing.

Carla C. Piluso
Chief of Police

4.09 PRELIMINARY SEX CRIME INVESTIGATION PROCEDURES

4.9.1 PURPOSE

A. This general order sets out the general investigative procedure to be followed in the investigation of sex crimes, i.e., rape, sodomy, etc. against adult victims, and explains the proper use of the Rape Victim Advocate (RVA) program. The investigation of sex crimes against juveniles is detailed in General Order 4.3 Child Abuse Reporting.

4.9.2 INVESTIGATIVE RESPONSIBILITY

DEPARTMENT PROCEDURES BY NUMBER

A. The reporting officer is responsible for investigating a sex crime as thoroughly and completely as his resources allow. This does not prohibit members from requesting assistance from other Department personnel when such assistance will aid the investigation.

4.9.3 INVESTIGATIVE PROCEDURES

A. After confirming the occurrence of a sex crime, the reporting officer will take the following steps:

1. If the crime occurred within 24 hours of the report being made, transport the victim to Legacy Mt. Hood Medical Center (MHMC), 24800 SE Stark Street, for a medical examination and the collection of evidence, i.e., rape kit. Under extenuating circumstances, this period may be expanded to 48 hours prior to the crime being reported. Such circumstances may include:

- a. A victim who has not washed since the attack;
- b. Extensive or prolonged sexual activity by the suspect(s) during the attack;
- c. Physical injuries sustained by the victim that are not life threatening, but are of unique evidentiary value, etc.

2. Victims with Kaiser Health Insurance who prefer to be examined at a Kaiser facility will be taken to Sunnyside Kaiser Hospital, 10180 SE Sunnyside Road, Clackamas, Oregon.

3. Officers shall request that BOEC contact an RVA to meet with the officer and victim at the medical center the victim was transported to.

- For victims being transported to MHMC, the Charge Nurse in the ER will contact a Sexual Assault Nurse Examiner – Registered Nurse (SANE RN) for evidence collection; the SANE RN will respond within two hours.

- - Officers will collect the victim's clothing and bring them back to the GPD for processing.

- - The SANE RN will collect the evidence kit and release the kit to the officer on scene, or place it in a locked evidence drawer at MHMC if the kit is to be collected later by an officer.

5. The evidence kit given to the officer from the attending medical personnel MUST be entered into evidence at the Gresham Police Department.

6. The officer will ensure that the victim is provided with transportation from the medical facility to whatever reasonable destination is requested. The officer will further ensure that clothing worn during the attack is seized as evidence. Relatives of the victim may be used as a resource for providing transportation and a change of clothing.

- In the event that the victim has been hospitalized subsequent to the attack, the RVA contact and the medical examination will take place at that hospital.

- EVIDENCE - In compliance with ORS 138.690 to 138.692, biological evidence will be preserved in an amount sufficient to develop a DNA profile unless evidence is of such a size as to make retention impracticable.

Craig Junginger
Chief of Police

DEPARTMENT PROCEDURES BY NUMBER

4.10.1 PURPOSE

A. This directive details medical services provided to those individuals under investigation by or in custody of the Gresham Police Department. This procedure is applicable to individuals in need of medical care prior to admittance to a correctional facility or to further an investigation.

4.10.2 CORRECTIONS HEALTH PROGRAM

A. The Multnomah County Department of Human Services, Corrections Health Program, has been established to provide health services to persons confined to correctional facilities or under police custody. The service is provided through private contract (see Special Order 4.10.1-02 for current contract service provider hereafter referred to as the service provider). All persons meeting criteria described herein shall be treated at the contract facility unless circumstances identified within this directive dictate otherwise.

4.10.3 CORRECTIONS HEALTH QUALIFICATION CRITERIA

A. For purposes of contractual agreements between Multnomah County and the service provider with respect to police requests for medical services, a person comes under the purview of Corrections Health when:

1. The person is under arrest and suffers an injury or illness that is of such magnitude that treatment must be obtained prior to admission to a correctional facility.

a. Example – A suspect is arrested for Assault in a tavern fight and is in need of sutures for a laceration on his head. This person would require medical treatment prior to booking and would fall under corrections health criteria.

b. Example – A suspect receives a gunshot wound while committing an armed robbery and is admitted to a hospital for treatment. The suspect is arrested while at the hospital. This falls under corrections health criteria.

c. Example – A person suffers an injury in a minor motor vehicle accident and requests a ride to a hospital. This is a courtesy type transport and would not fall under corrections health. The person would be transported to the hospital of their choice or the closest hospital.

d. Example – A person is injured in a traffic accident and is transported to the service provider's facility for treatment of his injuries. An officer responds to the hospital to interview the subject and issues a traffic citation. This does not fall under the corrections health criteria unless the person is to be taken into physical custody upon release from the hospital.

2. The person is in need of treatment prior to admittance to the Hooper Detoxification Center. If treatment is sought the individual shall be returned to the Hooper Center and release will be determined by them.

B. Under normal circumstances when Corrections Health Services are required, an officer shall transport or cause a person to be transported to the service provider's facility for treatment. However, in those instances where a person's injuries are of such magnitude that the victim's life is in danger, he shall be transported to the nearest hospital until medical personnel determine his condition has stabilized enough to move him to the service provider's facility.

C. Officers should refrain from arresting a hospitalized subject if the nature of the charge is minor and the length of stay allows the officer to obtain a warrant and serve it upon release from the hospital.

D. If an officer has an injured person in custody and is in doubt whether his injuries are severe enough to require medical examination, he shall transport the person to the booking facility and request examination by the on-duty nurse. If the nurse decides that medical treatment is necessary, the officer shall transport the person to the service provider's facility, secure treatment, then return the subject to the booking facility.

E. When a prisoner or person in custody is admitted to the service provider's facility, the arresting officer shall,

DEPARTMENT PROCEDURES BY NUMBER

upon being relieved by the hospital guard, promptly deliver seven copies of the custody report to the Multnomah County Booking Facility.

4.10.4 ADMISSION PROCEDURE

A. Whenever a person is in need of medical attention and falls within the criteria listed in section 4.10.3, the officer shall adhere to the following:

1. Transport or cause the person to be transported to the Emergency Room of the service provider's facility and inform the Admitting Clerk that the examination falls under the Corrections Health Program.

B. Officers who are obtaining treatment for persons under a custodial situation are responsible for the custody of that person until they are released from custody or released to the Corrections Division. Officers shall stay with the suspect during the time he is under their charge unless otherwise requested by the service provider's staff.

1. In the event that a person's injuries require admission to the hospital, it shall be the officer's responsibility to arrange for a corrections guard through the Corrections Division and to maintain custody over that person until relieved by a corrections guard.

2. If a circumstance exists as described in section 4.10.4.B.1, and the suspect is in need of a corrections guard at a hospital other than the service provider's facility, the officer shall notify the Multnomah County Detention Center shift Lieutenant (see S.O. 4.10.2-02), and advise him of the circumstances. It shall be the shift Lieutenant's decision as to whether or not the situation warrants a guard. Custody of the prisoner shall remain the responsibility of the officer until relieved by a corrections officer or notified that no guard will be posted.

C. In the event the services of the "Life Flight" medical evacuation helicopter are required, the arresting officer shall inform the flight crew that the person being transported is under arrest and needs the special security unit at the service provider's facility.

1. The arresting officer will verify the arrival of the prisoner at the service provider's facility as the flight nurse may determine while en route that the additional travel time would adversely affect the patient's condition and may elect to proceed to an alternate hospital. The officer will, as soon as possible, proceed to the hospital where the prisoner has been transported, and will perform the steps as outlined above in 4.10.4B above.

Carla C. Piluso
Chief of Police

4.10.1 SERVICES PROVIDER / MEDICAL SERVICES FOR PERSONS IN CUSTODY

A. The current service provider for medical services for persons in custody is Portland Adventist Medical Center located at 10123 SE Market, Portland, OR 97216.

Carla C. Piluso
Chief of Police

4.10.2 MULTNOMAH COUNTY DETENTION CENTER

4.10.2-1 MULTNOMAH COUNTY DETENTION CENTER

A. The Multnomah County Detention Center Shift Lieutenant can be contacted at the Control Center at (503) 988-5390.

DEPARTMENT PROCEDURES BY NUMBER

Carla C. Piluso
Chief of Police

4.11 HANDLING AND CIVIL HOLDS OF PERSONS INTOXICATED OR UNDER INFLUENCE OF DRUGS

4.11.1 PURPOSE

A. The purpose of this general order is to provide a procedure for the proper and legal handling of persons intoxicated or under the influence of a controlled substance, henceforth referred to as "intoxicated person(s)."

4.11.2 PROCEDURE

A. **Mandatory Action Required** - Officers have a mandatory duty to take action when they observe an intoxicated person in public, who they have **reasonable cause to believe** is in any one of the following conditions:

1. There is an immediate danger to the person's health.
2. The intoxicated person is dangerous to himself or others.
3. When in the opinion of the officer the intoxicated person is incapacitated; that is, unable to make a rational decision concerning the acceptance of assistance, e.g., by being either unconscious or irrational.
4. The person is intoxicated and is suspected or known to be an insulin-using diabetic; and/or the officer suspects a medical problem exists (not admissible at DETOX), the officer will immediately request the appropriate medical response unit(s).

B. Any person who is intoxicated in a public place may be taken or sent home or to a treatment facility by the police.

C. Regardless of the level of intoxication, if a person's physical condition is such that immediate medical attention is required, the officer must ensure that the person is transported to the appropriate medical facility; do NOT transport the person to the Hooper Detox Center.

D. Intoxicated persons NOT requiring immediate medical attention shall be taken into protective custody and transported to the Alcohol Treatment Facility, i.e. Hooper Memorial Detoxification Center, 20 NE Martin Luther King Blvd., Portland, telephone **(503) 231-4066**.

E. Intoxicated persons arrested on criminal charges will either be booked into MCDC or issued the appropriate citation and lodged in Detox. Intoxicated persons who are violent and/or combative, but to the officer's knowledge have not committed any criminal acts, will be lodged in Detox.

4.11.3 DETOX

A. **Detox Admission Process** – The following procedure will be used when invoking a civil hold of intoxicated person(s):

5. Following the staff search, if admittance to Detox is to occur and the subject is unruly, they will be moved by both the staff and the officer to a safety room. At this time, restraining devices will be removed.

B. **Removal of Persons from Detox** – If an intoxicated person placed in Detox is uncooperative and an involuntary transport to another facility becomes necessary, Detox staff must arrange for transfer to a referral facility. Voluntary committals requiring transfer to another facility are the responsibility of Detox and must be confirmed prior to the admitting/transporting officer leaving the center. When requested to remove violent or

DEPARTMENT PROCEDURES BY NUMBER

combative persons from Detox, officers will:

4. Conduct the transport or utilize an ambulance with restraints.

4.11.4 HANDLING INTOXICATED JUVENILES

A. Intoxicated juveniles may be taken into custody if their degree of intoxication is such that it endangers their welfare or the welfare of others.

B. Present legislation prohibits juvenile detention facilities from accepting intoxicated juveniles. Therefore, juveniles who display a degree of intoxication that could be hazardous to their physical welfare should be released to a parent or guardian. If a parent or guardian is unavailable, the juvenile should be taken to Portland Adventist Medical Center for screening purposes and possible admission.

C. If the juvenile is not admitted at Portland Adventist Medical Center for medical care, or their degree of intoxication does **NOT** pose a danger to their physical well being, officers will then make every attempt to locate a capable person (i.e. parent, guardian, friend, etc.) who will accept responsibility for the intoxicated juvenile. If an officer is unable to locate a capable person, they may transport the juvenile to JANUS Youth Program – Reception Center, located at 738 NE Davis Street, Portland (503) 542.4640.

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▪ REPORTING REQUIREMENTS

Carla C. Piluso
Chief of Police

4.12.4 VEHICLE PURSUIT POLICY

4.12.1 PURPOSE

A. The purpose of this order is to establish Department policy and to provide officers with guidelines on vehicle pursuits.

4.12.2 DEFINITIONS

A. Vehicle pursuit is defined as an attempt by a police officer, operating a marked or unmarked unit, to apprehend one or more occupants of a moving vehicle, providing it is reasonable to believe the operator of the pursued vehicle is aware of the attempt and is avoiding apprehension by maintaining or increasing speed and/or taking evasive action, and/or disregarding the officer's commands to stop the vehicle.

B. Primary pursuit means those members actually engaged in attempting to overtake and stop a fleeing driver.

C. Due care means that level of care an officer should use based on the circumstances as they reasonably appear at the time.

◦ Exigent Circumstances means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or destruction of evidence.

DEPARTMENT PROCEDURES BY NUMBER

This exception applies only as long as the exigency continues. And, any search done pursuant to exigent circumstances must be done in a reasonable manner. The officer cannot create the exigency.

For an officer to seize evidence under exigent circumstances, the exigency must exist both:

- For the items police intend to seize; and
- During the time frame the police intend to seize the evidence.

For an officer to justify a warrantless entry under exigent circumstance, the officer must have probable cause for a search and seizure. Either the evidence sought is:

- in imminent danger of destruction,
 - the safety of law enforcement officer(s) is at issue,
 - the general public is threatened,
 - the police are in "hot pursuit" of a suspect, or
 - a suspect is likely to flee before the pursuing officer can obtain a warrant.
- Serious felony means a felony involving the use of, or imminent threat to use of physical force against a person.

F. High Risk Offender is an individual or individuals who are engaging, or have shown a willingness to engage in those actions which when left unchallenged create a substantial risk or threat to the safety of the public.

G. Marked unit means a police vehicle fully equipped with emergency lights, siren, and identifying markings.

H. Unmarked unit means a police vehicle equipped with limited emergency lighting and/or limited or no markings or other insignia identifying it as a Police Department vehicle; e.g. school safety, detectives, sergeants and above, four or two wheel drive "Special Service Vehicles," motorcycle units, etc.

I. Barricading/blockading is the intentional barricading/blockading of a roadway, by any means, to prevent passage of a pursued vehicle. **Barricading may constitute deadly physical force.**

1. The barricade must be set up in such a manner as to afford the fleeing suspect ample time to see the barricade and stop their vehicle.
2. Once authorized, only unoccupied vehicle(s) may be used. Under no circumstances will a roadway be barricaded with occupied vehicles or vehicles belonging to private citizens.

- - Ramming is the deliberate act of hitting another vehicle with a police vehicle(s) for the purpose of functionally damaging, disabling, or forcing the vehicle to stop. (except PIT which is defined below) **Ramming may constitute deadly physical force.**

K. Pursuit Intervention Technique (PIT) means intentional contact between a police vehicle and a pursued vehicle in such a manner as to cause a sudden spin, loss of control and subsequent stop of the pursued vehicle.

L. Pre-emptive PIT Authority is the ability to take an immediate action or remedy, departing from standard procedure, in order to prevent serious physical injury or death by preventing a suspect from escaping, fleeing, or engaging in such actions as to jeopardize the safety of the public.

M. Boxing-in means maneuvering a police vehicle into the path of a vehicle traveling slower than 20 mph, or a stopped vehicle, with the intent of slowing and stopping the vehicle and/or keeping the vehicle stopped. Officers may box-in another vehicle, but must be aware that placement of their

DEPARTMENT PROCEDURES BY NUMBER

vehicle in the path of another vehicle moving faster than 20 mph escalates into barricading.

N. Pinning is a controlled tactic where police cars are used to prevent a vehicle from fleeing once the offender is stopped. Pinning is accomplished by rapidly decelerating to the point of contact which would be at or near zero MPH. Both the front and rear of the suspect vehicle must be pinned to accomplish the task of keeping the suspect from fleeing in the vehicle.

O. Tire Deflation Device (Spike Strips) are spikes enclosed in a tube capable of penetrating and puncturing a vehicle tire when the tire is rolled or driven over it. The spikes penetrate the rolling tread of a tire and allow for the rapid and controlled release of air to the point of the tire being completely deflated.

4.12.3 POLICY

A. The Department recognizes its responsibility to make every reasonable effort to apprehend those who engage in criminal activity or who endanger the safety of the community.

B. In order to fulfill this responsibility, officers are sometimes called upon to engage in vehicle pursuits of fleeing offenders. Because vehicle pursuits may pose a risk to officers, citizens and suspects, it is imperative that due care be exercised. It is the policy of this Department that the safety of its officers and community members is of primary importance. As a general rule, it is better to terminate the pursuit than to jeopardize the lives of others.

C. The civil liability and legal responsibility attached to vehicle pursuits dictate that members exercise sound judgment and discretion throughout the pursuit. Any vehicle pursuit undertaken by officers will be conducted under these guidelines in an effort to maintain a balance between the apprehension of offenders, and minimizing the risk inherent in vehicle pursuits. **Officers will be held accountable for continuing a pursuit when circumstances indicate it should have been terminated. Officers will not be criticized or disciplined for their decision to terminate a pursuit because of the risks involved.**

4.12.4 PROCEDURE

- Oregon Law

- Provisions in ORS 811.720 exempt law enforcement officials, acting in the course of their official duty and performing law intervention technique, from motor vehicle accident reporting requirements.

- All officers involved in a pursuit will adhere to Oregon law regarding the operation of an emergency vehicle, as defined by ORS 801.260 and 820.300 to 820.320. Any officer who continues a fresh pursuit into the State of Washington must comply with the Uniform Act on Fresh Pursuit, which has been enacted in both Oregon, ORS 133.410 to 133.440 (Appendix 4.12A), and Washington RCW 10.89.010 to 10.89.080 (Appendix 4.12B).

3. ORS provisions do not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all other persons, nor are they a defense to the driver in an action brought for criminal negligence or reckless conduct.

4. The Uniform Act on Fresh Pursuit permits sworn police officers to continue a fresh pursuit of a person, into another State in order to arrest her/him on the grounds that s/he has committed, or is reasonably suspected to have committed, a felony in the police officer's State of jurisdiction.

5. An officer may continue to pursue a person into the State of Washington if s/he has committed or is suspected of committing the violation of DUII or reckless driving.

6. Upon apprehension, a Gresham Police Department officer is required to take the arrested person(s) to a

DEPARTMENT PROCEDURES BY NUMBER
magistrate without unnecessary delay.

B. Factors

1. The seriousness of the possible outcome of pursuit commands an officer weigh many factors when deciding whether or not to engage in and continue a pursuit. Some factors to be considered at all times when deciding whether to pursue or continue to pursue include:

- a. What is the seriousness of the offense committed (i.e. traffic offense, misdemeanor, felony vs. serious felony)?
- b. Has the suspect operating the vehicle refused to stop at the direction of the officer (directions to stop may include one or more of the following actions - flashing lights, sirens, commands via the loud speaker, etc.)?
- c. What is the probability of apprehending the suspect at a later time, date, location, etc.(i.e. is the identity of the suspect known? Can s/he be apprehended at a future time or does driving and/or conduct create an imminent threat of serious physical injury or death)?
- d. What are the traffic conditions (the quantity and speed of vehicular and pedestrian traffic shall be considered)?
- e. What are the environmental conditions (street, lighting and weather conditions shall be considered)?
- f. What is the officer's level of familiarity with the area?

C. Number of Vehicles

1. It is strongly advised that no more than three police units enter into the primary pursuit of a fleeing driver. However, a supervisor can authorize exceptions when the situation dictates (i.e., multiple dangerous suspects, shots fired, armed robbery, etc.). Other police units in the immediate vicinity may proceed, with caution, to a position that will assist in apprehending the fleeing driver.

D. Officer's Responsibilities. The officer in pursuit will:

1. Evaluate risks before engaging in and while continuing in a vehicle pursuit; and
 - - Activate emergency lights and siren; and
3. Notify the dispatcher that s/he is in a vehicle pursuit, giving location, direction of travel, pursuit speed (if possible), description of suspect vehicle and occupants (if possible), license number (if possible), and reason for pursuit; and
4. Notify the dispatcher with progress reports regarding changes in direction of travel and other information; and
5. Refrain from passing other officers involved in the pursuit unless necessary given the circumstances (i.e. unit will disengage from pursuit, etc.); and
6. Ensure his or her vehicle is spaced to provide for proper perception and reaction and braking time in the event a leading vehicle stops, slows or turns.

E. Other Vehicles

1. Unmarked units are not easily identifiable by the public as police vehicles. Therefore, unmarked units should become involved in the primary pursuit of a vehicle **only as a last resort**. However, in the event an unmarked unit is engaged in the pursuit, the unmarked unit will discontinue primary pursuit when a marked unit is in position to assume the pursuit. When the unmarked unit discontinues the primary pursuit, it then may:

- a. Follow at a safe distance; and/or
 - Station itself at a strategic point in order to assist with apprehension of

DEPARTMENT PROCEDURES BY NUMBER
the suspect.

F. Non-Sworn Police Riders

1. Police vehicles carrying non-sworn police persons shall consider engaging in vehicle pursuits only as a last resort, i.e. response to imminent threat of serious physical injury or death with no other police resources available.

G. Termination of Pursuit - An officer shall terminate a pursuit when:

1. He or she reasonably believes the risks to the public and/or the officer(s) outweighs the desirability of apprehension; and/or
 - The suspect has been identified, whereby later apprehension can be accomplished and the need for immediate apprehension is no longer present; and/or
3. It reasonably appears that further pursuit will not result in apprehension of the suspect; and/or
4. He or she is so ordered by a supervisor.

H. Supervisor Responsibilities

1. Supervisors shall advise the dispatcher, over the radio, of their call number and assumption of supervisory control of the pursuit; however, supervisors who are actively engaged in the pursuit shall not assume the supervisory role.
2. Supervisors shall continually monitor the pursuit, including the pursuit officer's demeanor, in deciding to continue or terminate.
3. Supervisors shall terminate a pursuit when officers are not adequately broadcasting location, speed, and direction.
4. Supervisors are provided the authority to engage more than three units in a pursuit, under "exceptional circumstances" i.e., armed suspects, pursuit into another jurisdiction, etc.
5. Supervisors are provided the authority to approve barricades in deadly force scenarios.
6. Supervisors shall ensure radio communication to other agencies.
7. Supervisors shall consider air support availability and practicality.
8. Supervisors shall ensure that reports are completed.
9. Supervisors shall prepare a supervisor's after-action report.

4.12.5 TACTICAL VEHICLE INTERVENTION

A. Barricading/blockading is authorized only when conditions for **Use of Deadly Physical Force** are met. Barricading/blockading requires the approval of a supervisor. All conditions of Use of Deadly Physical Force reporting and review procedure requirements are applicable.

B. Ramming is authorized only when conditions for **Use of Deadly Physical Force** is met. All conditions of Use of Deadly Physical Force reporting and review procedure requirements are applicable.

◦ Pursuit Intervention Technique (PIT) may be an option to control a police pursuit and is a method to reduce risks in bringing pursuits to a conclusion. When making the decision to use a pre-emptive PIT, the officer must reasonably feel that the risk to the public safety outweighs the risks of the pre-emptive action(s). The technique shall only be used by officers who have successfully completed PIT training. PIT shall normally be used by officers at their discretion on fleeing vehicles that fail to stop for patrol vehicle emergency equipment.

1. However, when an officer reasonably believes exigent circumstances exist under the totality of the circumstances presented, the officer may utilize PIT as a preemptive action to prevent the opportunity for a

DEPARTMENT PROCEDURES BY NUMBER

suspect in a vehicle to flee when officers attempt a stop. For officers to employ a pre-emptive PIT, two conditions must be met:

- a. Exigent circumstances created by the suspect(s) actions (*i.e.* – unwilling hostage or at risk person in the vehicle, *etc.*), and/or
- b. High risk offender (*i.e.* suspect who is a known flight risk, armed, *etc.*).

2. PIT is not considered ramming and shall be considered to be a lower use of force of pursuit control. Use of PIT requires an on-air notification prior to deployment.

3. The use of PIT at speeds above **40 mph** may be considered a use of deadly force and shall only be used following supervisory approval. However, this should not limit the use of PIT or any other use of force to protect the lives of officers, citizens, or suspects should they be in imminent danger of serious injury or death. The PIT may be used when the totality of the circumstances requires immediate intervention to stop a fleeing suspect's vehicle. All conditions of Use of Physical Force reporting and review procedure requirements are applicable.

4. PIT will not be used on two wheeled vehicles, passenger-occupied buses, vehicles transporting hazardous materials or any vehicle that would pose an unusual hazard to innocent parties.

5. Officers shall be trained in the PIT prior to using the technique in any incident. Officers shall receive update training in the technique at least every two years. Training shall be conducted by certified EVOC instructors and shall be consistent with this policy.

6. The following non-exclusive factors should be considered before the application of the PIT:

- Fleeing driver's actions exhibiting recklessness or progressively reckless actions as the pursuit continues;
- Speed of the fleeing vehicle;
- Pursuit towards areas of high population density, traffic congestion, or school zones;
- Whether or not there will be an opportunity to contact the fleeing vehicle at lower speeds;
- Whether or not the suspect is armed;
- The availability of cover units;
- The likelihood of serious injury or death to others should the suspect escape apprehension;
- The level of training of the driver of the police vehicle;
- The time of day/night;
- Supervisory instructions;
- Any other pertinent factors.

7. When using the PIT, the following special factors shall be considered:

- **Site Selection** – The area selected for the PIT should be as level and free of roadside obstructions as practicable. The PIT may be performed on straight-aways, corners, or non-level roadways, but the exit path from the PIT shall be considered prior to its use.
- **Oncoming Traffic** – Every effort to control or limit oncoming traffic in to the PIT site shall be made. The PIT should not be attempted in traffic situations where the suspect vehicle will likely be pushed into oncoming traffic or areas with pedestrians or other occupied vehicles.
- **Vehicle Type** – Due to the possibility of rollover, vehicles with "over-high" suspensions, oversized tires and utility-type vehicles such as four-wheel drive may have the PIT employed on them only after other methods of pursuit control have been considered.
- **Vehicle with Multiple Occupants** – If a fleeing vehicle has multiple occupants, consideration shall be given to the makeup of the other occupants before the PIT is employed. For example, if children are known to be in the vehicle, other less aggressive interventions shall be given consideration prior to the PIT.
- **Armed Suspects** – Officers shall use extreme caution when using the PIT in instances where a suspect is possibly armed.

D. **Boxing-In** - Officers may box in another vehicle, but must be aware that placement of their vehicle in the path of another vehicle moving faster than 20 mph escalates into barricading.

DEPARTMENT PROCEDURES BY NUMBER

E. Tire Deflation Device (Spike Strips) - Spike strips may be used alone or in conjunction with other Tactical Vehicle Intervention techniques to control and terminate vehicle pursuits. Only officers trained in the use of spike strips are authorized to use them. This shall not preclude non-trained officers from assisting with incident control when devices are deployed. Use of spike strips requires an on-air notification prior to deployment.

1. The following guidelines for use of Spike Strips shall be considered:

a. Each device shall be deployed in a manner consistent with its intended use and instructions on how to deploy it;

2. The safety of the public, officers, and the fleeing suspect(s) shall be considered.

3. Use of the devices should be avoided in locations where geographic configurations increase the risk of serious bodily injury (i.e. near bridge supports, embankments, etc.)

4. The following deployment procedures for Spike Strips shall be used:

a. Officers deploying spike strips should do so from a position of relative safety using natural barriers such as roadway structures or guardrails. Using only a patrol vehicle or any other vehicle for cover is discouraged.

b. The spike strips should be placed in a position roughly 90 degrees to the expected path of the fleeing vehicle. The spike strips may also be placed perpendicular to the path and be pulled in front of a fleeing vehicle.

5. The spike strips should only be removed when it is clear and safe to do so. No officer shall knowingly place themselves into the immediate pathway of a vehicle in an attempt to deploy or retrieve the strips.

◦ After the spike strips are retrieved, the officer should continue to provide assistance in traffic control, arresting the suspect(s), or continuing the pursuit as necessary.

◦ Should the suspect vehicle continue to flee following deflation of its tire(s), other Tactical Vehicle Intervention techniques may be considered and employed in order to terminate the pursuit.

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▪ **AID TO OUTSIDE AGENCIES**

A. Outside Requests

1. A supervisor shall be made aware of circumstances of outside requests, and approve or disapprove requests.

2. Whenever units of another law enforcement agency are engaged in a pursuit and request assistance from the Department, the requesting agency must advise BOEC of the nature of the offense and the description of the fleeing vehicle before a police vehicle from the Department may join in the pursuit. If an outside agency contacts the Department directly requesting assistance in a pursuit, it will be the responding officer's responsibility to advise BOEC of the request.

3. Gresham police officers are still bound by the procedures in this Pursuit Policy when assisting another agency, even if their procedures are different.

B. Pursuits Into Other Jurisdictions In the event a pursuit enters into another jurisdiction, the officer shall:

◦ Notify the responsible law enforcement agency via BOEC or other means and request assistance.

◦ Upon arrival of officer(s) from the jurisdiction in which the pursuit is entering, determine if, he/she wishes to relinquish the lead officer role to that agency.

DEPARTMENT PROCEDURES BY NUMBER

C. Portland Metropolitan Interagency Pursuit Agreement

1. The purpose of this agreement is to identify expected behavior and guidelines for interagency pursuits. It is the policy of this interagency agreement to be subservient to individual department pursuit policies. Participating agencies endeavor to support this agreement with their individual pursuit policies.

4.12.7 PURSUIT REPORTS AND DEBRIEFING

A. All Gresham police officers involved in vehicular pursuits will complete reports for submission to the responsible supervisor prior to end of duty shift.

B. All pursuits will require a debriefing. The debriefing will be documented in memorandum format authored by the responsible supervisor of the pursuit.

C. The pursuit-debriefing memorandum will contain the following information.

1. A summary of the pursuit (detail not needed, attach reports); and
2. A review of the pursuit in consideration of the procedure (factors and responsibilities as outlined in sections 4.12.3 B, D and H); and
3. Conclusions of the responsible supervisor regarding the effectiveness and/or ineffectiveness of the pursuit tactics and/or strategies employed; and
4. Recommendations to recognize positive performance and/or correct performance deficiencies.

D. Watch Commanders will review, comment, and forward debriefing memoranda through the chain of command to the Chief of Police.

E. A copy of all vehicle pursuit reports involving property damage (City's or citizen's) shall be forwarded to the City's Risk Manager as per G.O. 4.7.

F. Vehicle pursuits involving the Use of Physical Force or the Use of Deadly Physical Force shall be reported, investigated and reviewed in compliance with G.O. 4.6 Use of Force.

Craig Junginger
Chief of Police

4.13 PERSONAL PROPERTY INVENTORY

4.13.1 PURPOSE

A. The purpose of this procedure is to define the process of conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody. It should be noted that an inventory is **NOT** a search for evidence. Other statutory or constitutional rights that officers may employ to search persons or search or seize possessions for other purposes are discussed in other general orders.

4.13.2 REFERENCES

A. Gresham Revised Code 2.82

http://cityweb/departments/cao/gresham_municipal_code/Chapter_2/82/index.html

B. ORS 133.005(1) <http://www.leg.state.or.us/ors/133.html>

C. ORS 426 <http://www.leg.state.or.us/ors/426.html>

DEPARTMENT PROCEDURES BY NUMBER

4.13.3 DEFINITIONS

A. Closed Container means a container whose contents are not exposed to view.

B. Contraband means any controlled substance or other property which one may not legally possess, in custody of the police that is not needed as evidence and is not subject to order of the court.

C. Open Container means a container that is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

D. Police Custody means:

1. The imposition of restraint as a result of an "arrest" as that term is defined at ORS 133.005(1).
2. The imposition of actual or constructive restraint by a police officer pursuant to a court order.
3. The imposition of actual or constructive restraint by a police officer pursuant to ORS 426.
4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of subject pursuant to Oregon law.

E. Valuable means cash money of an aggregate amount of \$50 or more; or individual items of personal property with a value of over \$500.

4.13.4 PERSONAL PROPERTY INVENTORY CRITERIA

A. The Oregon Constitution permits an inventory of a person or property if these three factors are met:

1. The subject of the inventory (either a person or a vehicle) **MUST** be in lawful custody;
2. The inventory **MUST** be conducted pursuant to a lawful inventory ordinance;
3. The officer conducting the inventory **MUST NOT** deviate from the provisions of the City's inventory ordinance or the inventory will be held unlawful even though there was a lawful basis to conduct the inventory.

B. Consistent compliance with the City's inventory ordinance is essential. If an officer's inventory does not comply with the ordinance, evidence discovered during the inventory will be suppressed. Even if an inventory is conducted properly in an individual case, evidence could be suppressed if the court determines that the Department does not follow the inventory policy consistently in all cases.

4.13.5 VEHICLE PERSONAL PROPERTY INVENTORY PROCEDURE

A. The purposes for the inventory of an impounded vehicle are to:

1. Promptly identify property to establish accountability and avoid false claims to property;
2. To assist in the prevention of theft of property;
3. To locate toxic, flammable or explosive substances; or
4. To reduce the danger to persons and property.

B. Inventories of impounded vehicles shall be conducted according to the following procedure.

DEPARTMENT PROCEDURES BY NUMBER

1. The contents of all vehicles impounded by a police officer shall be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

a. If there is reasonable suspicion to believe that the safety of either the police officer or any other person is at risk, a required inventory will be done as soon as safely practical; or

b. If the vehicle is impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

2. 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, accessible areas under or within the dashboard area, unlocked glove box(es), any pockets in the doors or in the back of the front seat, any console between the seats, under any floor mats and under the seats.

3. In addition to the passenger and engine compartments as previously described, an inventory of personal property and the contents of open containers shall also be conducted in the following locations:

a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and

b. Any locked compartments including, but not limited to, locked vehicle trunks, locked glove box(es), locked hatchback and locked car-top containers, if either the keys are available to be released with the vehicle to the towing company or an unlocking mechanism for such compartment is available within the vehicle.

4. A closed container left in the vehicle or in any of the vehicle's compartments will have its contents inventoried only when:

a. The closed container will be placed in the immediate possession of a subject while he is placed in the secure portions of a custodial facility, police vehicle, or law enforcement holding room;

b. A subject requests the closed container be with him in the secure portions of a police vehicle or law enforcement holding room; or

c. The closed container is designed for carrying money and/or valuables, including but not limited to closed briefcases, purses, coin purses, wallets and fanny packs.

C. The inventory is not a search for evidence. Items should be scrutinized to the extent necessary to complete the inventory. While officers may seize evidence or contraband located during the inventory, they will **NOT** force open closed containers to inventory the contents without first obtaining the owner's consent, or a search warrant.

D. Upon completion of the inventory, the police officer will complete a report as directed by the Chief of Police.

E. Any valuables located during the inventory process **MUST** be listed on a property page. A copy of the property receipt shall either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. Loose items of value shall be held on behalf of the owner of the items. Valuables not easily moved by the officer (i.e. locked tool chest, suitcase, etc.) or valuables affixed to the vehicle (i.e. car stereo, CD player, etc.) may be left within the vehicle for safekeeping; however, they must be listed on the property page. If the vehicle's owner or custodian is not available, a copy of the property page will be left in the vehicle or given to the person in control of the vehicle if that person is present.

F. Whenever a subject, arrested from a vehicle, is transported from the scene in police custody, the subject's containers located in the vehicle and designed to contain money or valuables (i.e. purses, coin purses, wallets, fanny packs, etc.) shall be taken as prisoner's personal property.

DEPARTMENT PROCEDURES BY NUMBER

4.13.6 PERSONAL PROPERTY INVENTORIES OF PERSONS IN POLICE CUSTODY

A. The purpose of a personal property inventory shall be to fulfill any of these requirements:

1. To promptly identify property to establish accountability and avoid false claims to property.
2. To fulfill the requirements of ORS 133.455, to the extent that such statute may apply to certain property held by the police officer for safekeeping.
3. To assist in the prevention of theft of property.
4. To locate toxic, flammable or explosive substances.
5. To locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel.
6. To reduce the danger to persons and property.

B. Officers **MUST** inventory all personal property in the possession of a subject taken into custody, and an itemized list of the inventory shall be documented on a property page whenever:

1. The subject will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or
2. Custody of the subject will be transferred to another law enforcement agency, correctional facility, or treatment facility.

C. Inventories of personal property in the possession of the subject shall be conducted according to the following procedures:

1. An inventory **MUST** be completed prior to placing the subject into a holding room or a police vehicle, whichever occurs first. However, an officer may delay an inventory if he has reasonable suspicion to believe that an immediate inventory will endanger the safety of any person. The officer **MUST** then complete the inventory as soon as safely practical. If the inventory is delayed because of safety concerns, the officer's report **MUST** articulate reasonable suspicion for the concern.
2. To complete the inventory of the subject's personal property, the officer will remove all items of personal property from the clothing worn by the subject. In addition, the officer will remove all items of personal property from all open containers in the possession of the subject.

D. A closed container in the possession of a subject will have its contents inventoried only when:

1. The subject is allowed to retain the closed container while in the secure portion of a custodial facility, police vehicle or secure police holding room.
2. The subject requests that the closed container remain with him in the secure portion of a police vehicle or a secure police holding room.
3. The closed container is designed for carrying money and/or small valuables on or about the subject and which the subject claims is his own, (i.e. closed purses, closed coin purses, closed wallets, closed fanny packs, etc.).

E. All items of personal property not left with the subject or with the facility or agency accepting custody of the subject, shall be handled in the following manner:

DEPARTMENT PROCEDURES BY NUMBER

1. A property page shall be prepared listing the items of property to be retained by the Department. A copy of the property page shall be given to the subject in custody when he is released to the accepting agency or facility.

F. All items of personal property released to the subject or to the facility or agency accepting custody shall be handled in the following manner:

1. The detainee will sign a receipt for the return of the specific items of property.

2. If the detainee is released to a transporting officer for transfer to another facility, the property should be given to the transporting officer, who will sign the receipt for the specific items of property.

G. The officer must include a copy of all receipts on Property in Custody Forms for Records.

Carla C. Piluso
Chief of Police

4.15 FOREIGN NATIONALS

A. This general order and the attached appendices pertain to the detention or arrest of foreign nationals and outlines the appropriate Consular notification requirements of such actions.

A. Definitions as used within the context of this general order are as follows:

4.15.3 PROCEDURE

A. The following summarizes the requirements pertaining to the arrest or detention of foreign nationals:

1. When dealing with individuals claiming diplomatic immunity, follow procedures set forth in G.O. 4.20.

2. When foreign nationals are detained or arrested, they must be advised of the right to have their consular officials notified. This applies to both "legal" and "illegal" aliens.

3. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the foreign national's wishes. (See Appendix 4.15A for a list of mandatory notification countries and jurisdictions.) Privacy concerns, or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. *Therefore, under no circumstances should any information indicating that a foreign national may have applied for asylum in the U.S. or elsewhere be disclosed to the foreign nationals consular officials.*

4. A person who is a dual national of countries other than the U.S. should be treated in accordance with the rules applicable to each of those countries (see Appendices 4.15A and 4.15B).

5. A person who is a citizen of the U.S. and another country may be treated exclusively as a U.S. citizen when in the U.S. In other words, consular notification is not required. This is true even if the person's other country

DEPARTMENT PROCEDURES BY NUMBER
of citizenship is a mandatory notification country.

6. The officer making the arrest, or assuming responsibility for the foreign national's detention, will immediately contact a shift Sergeant who will make the appropriate consular notification. If a Sergeant is unavailable, the officer should make the required consular notification.

7. Many consulates and embassies are not staffed 24-hours a day, seven days a week; therefore, consular notification is considered completed when the message is delivered via voice mail, answering service, fax, or to an actual consular representative.

8. Consular officials are entitled to access their nationals in detention, and are entitled to provide consular assistance.

B. The following outlines the steps to follow when a foreign national is arrested or detained:

1. Determine the foreign national's country. In the absence of other information, the Department of State suggests the officer assume this is the country on whose passport, or other travel document, the foreign national uses.

2. If the foreign national's country is NOT on the mandatory notification list:

a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention and complete the "optional" notification statement (See Appendix 4.15C). This statement does not have to be provided to the foreign national or the foreign national's consulate/embassy.

b. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. (See Appendices 4.15A & 4.15B for embassy and consulate phone and fax numbers.)

3. If the foreign national's country is on the list of mandatory notification countries:

a. Notify that country's nearest consular officials, without delay, of the arrest/detention (Appendix 4.15A).

b. Tell the foreign national that you are making this notification. Complete the "mandatory" notification statement (see Appendix 4.15D). This statement does not have to be provided to the foreign national or the foreign national's consulate/embassy.

C. Keep a written record of the provision of notification and actions taken. Reports shall document that the foreign national was informed of the option of consular notification, whether the foreign national elected or declined consular notification (even in the case of mandatory notification requirements), the date when the foreign national was so informed, and a receipt of notification (i.e. fax log, phone record).

D. For further assistance in making notifications concerning detention or arrest see Special Order 4.15.1-02.

Craig Junginger
Chief of Police **APPENDIX 4.15A**

**MANDATORY
NOTIFICATION COUNTRIES
AND JURISDICTIONS**

DEPARTMENT PROCEDURES BY NUMBER

Algeria

Washington, DC (202) 265-2800; fax
(202) 213-5134

Antigua and Barbuda

Washington, DC (202) 362-5211; fax (202) 362-5225

Armenia – former USSR

Washington, DC (202) 319-1976; fax (202) 319-2982

Azerbaijan – former USSR

Washington, DC (202) 842-0001; fax (202) 842-0004

Bahamas, The

Washington, D.C. (202) 319-2660; fax (202) 319-2668

Barbados

Los Angeles, CA (213) 380-2198; fax (213) 384-2763

Belarus – former USSR

Washington, DC (202) 986-2860/-1604; fax (202) 986-1805

Belize

Washington, DC (202) 332-9636; fax (202) 332-6888

Brunei

Washington, DC (202) 342-0159; fax (202) 342-0158

Bulgaria

Washington, DC (202) 387-7969; fax (202) 234-7973

China1

San Francisco, CA (415) 563-4885

Costa Rica

San Francisco, CA (415) 392-8488; fax (415) 392-3745

Cyprus

Washington, DC (202) 462-5772; fax (202) 483-6710

Czech Republic – former Czechoslovakia

Washington, DC (202) 274-9100/01; fax (202) 966-8540

Dominica

Washington, DC (202) 364-6781; fax (202) 364-6791

Fiji

Washington, DC (202) 337-8320; fax (202) 337-1996

Gambia, The

Washington, DC (202) 785-1399 ; fax (202) 483-1793

DEPARTMENT PROCEDURES BY NUMBER

Georgia – Former USSR

Washington, DC (202) 393-6060; fax (202) 393-4537

Ghana

Washington, DC (202) 686-4520; fax (202) 686-4527

Grenada

Washington, DC (202) 265-2561; fax (202) 265-2468

Guyana

Washington, DC Telephone: (202) 265-6900/01; fax (202) 232-1297

Hong Kong²

San Francisco, CA (415) 563-4885

Hungary

Los Angeles, CA (310) 473-9344; fax (310) 479-6443

Jamaica

Washington, DC (202) 452-0660; fax (202) 452-0081

Kazakhstan – Former USSR

Washington, DC (202) 333-4507/-4504/-2026; fax (202) 333-4509

Kiribati

Honolulu, HI (808) 521-7703; fax (808) 542-5159 (honorary consul)

Kuwait

Washington, DC (202) 966-0702; fax (202) 966-0517

Kyrgyzstan

Washington, DC (202) 338-5141/42; fax (202) 338-5139

Malaysia

Los Angeles, CA (213) 892-1238; fax (213) 982-9031

Malta

Washington, DC (202) 462-3611/12; fax (202) 387-5470

Mauritius

Washington, DC (202) 244-1491/92; fax (202) 966-0983

Moldova

Washington, DC (202) 667-1160/-1130/-1131; fax (202) 667-1204

Mongolia

Washington, DC (301) 983-1963; fax (301) 983-2025

Nigeria

Washington, DC (202) 822-1500; fax (202) 775-1385

Philippines

DEPARTMENT PROCEDURES BY NUMBER

San Francisco, CA (415) 433-6666/69; fax (415) 421-2641

Poland (non-permanent residents only) Los Angeles, CA (310) 442-8500; fax (310) 442-8515

Romania

Los Angeles, CA (310) 444-0043; fax (310) 445-0043

Russia

Washington, DC (202) 939-8907; fax 202-483-7579

Saint Kitts and Nevis

Washington, DC (202) 833-3550; fax (202) 833-3553

Saint Lucia

Washington, DC (202) 463-7378/79 ; fax (202) 887-5746

Saint Vincent and the Grenadines

New York, NY (212) 687-4490 (UN Mission)

Seychelles

New York, NY (212) 687-9766/67; fax (212) 808-4975

Sierra Leone

Washington, DC (202) 939-9265 fax (202) 483-1793

Singapore

San Francisco, CA (415) 928-8508; fax (415) 673-0883

APPENDIX 4.15A

Slovakia – Former Czechoslovakia Washington, DC (202) 965-5160; fax (202) 965-5166

Tajikistan

New York, NY (212) 472-7645/744-2196

Tanzania

Washington, DC (202) 939-6125; fax (202) 797-7408

Tonga

San Francisco, CA (415) 781-0365

Trinidad and Tobago

Washington, DC (202) 467-6490; fax (202) 785-3130

Turkmenistan

Washington, DC (202) 588-1500; fax (202) 588-0697

Tuvalu

Seattle, WA (206) 622-9255

Ukraine

DEPARTMENT PROCEDURES BY NUMBER

Washington, DC (202) 333-0606; fax (202) 333-0817

United Kingdom³

Seattle, WA (206) 622-9255

U.S.S.R.⁴

Uzbekistan

Washington, DC (202) 530-7291/-7294/887-5300; fax (202)293-6804

Zambia

Washington, DC (202) 265-9717-19; fax (202) 332-0826

Zimbabwe

Washington, DC (202) 332-7100; fax (202) 483-9326

1 Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request. 2 Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "quote "SAR"". Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports--*i.e.*, immediately, and in any event within four days of the arrest or detention. 3 British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports. 4 Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above. **APPENDIX 4.15B**

FOREIGN EMBASSIES AND CONSULATES IN THE UNITED STATES

The following information provides the short-form name of the country, followed by telephone and fax numbers as available to the Department of State in September 1997. Consular notification should be made to the listed location nearest to the place of arrest or detention. Washington, DC information is generally for embassies to the United States; numbers for other locations are for consular offices outside of Washington or, in the case of some countries without embassies or consular offices in the United States, for the country's mission to the United Nations in New York. Corrections to the listed numbers may be provided to the Department of State's Office of the Assistant Legal Adviser for Consular Affairs, telephone 202-647-4415; facsimile 202-736-7559. In a few instances an entity that is not recognized as a country is listed because aliens may be traveling in the United States on travel documents issued by that entity. In addition, some aliens may still be traveling in the United States on documents issued by the former Union of Soviet Socialist Republics (U.S.S.R.), the former Socialist Federal Republic of Yugoslavia, and the former Socialist Federal Republic of Czechoslovakia. The successor states or entities of these three former countries are as follows:

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**Phone and Fax Numbers for Foreign Embassies and Consulates in the U.S.**

**Afghanistan** New York, NY (212) 972-1212; fax (212) 972-1216 (UN Mission)

**Albania** Washington, DC (202) 223-4942; fax (202) 628-7342

**Algeria** Washington, DC (202) 265-2800; fax (202) 213-5134

**Andorra** New York, NY (212) 750-8064; fax (212) 750-6638 (UN Mission)

**Angola** Washington, DC (202) 785-1156; fax (202) 785-1258

**Argentina** Los Angeles, CA (213) 954-9155; fax (213) 937-3841 or (213) 934-9076 **Australia** San Francisco, CA (415)

DEPARTMENT PROCEDURES BY NUMBER

362-6160; fax (415) 986- 2775

**Austria** Los Angeles, CA (310) 444-9310; fax (310) 477- 9897

**APPENDIX 4.15B**

**Bahrain** Washington, DC (202) 342-0741; fax (202) 362-2192

**Bangladesh** Washington, DC (202) 342-8372 to 8376; fax (202) 333-4971

**Belgium** Los Angeles, CA (213) 857-1244; fax (213) 936- 2564 **Benin** Washington, DC (202) 232-6656; fax (202) 265-1996

**Bhutan** New York, NY (212) 826-1919; fax (826-2998

**Bolivia** Seattle, WA (206) 244-6696; fax (206) 243-3795

**Bosnia and Herzegovina** Washington, DC (202) 745-8000 Ext. 7457

**Botswana** Washington, DC (202) 244-4990; 4991; fax (202) 244-4164

**Brazil** San Francisco, CA (415) 981-8170; fax (415) 981-3628 **Burkina Faso** Washington, DC (202) 332-5577; fax (202) 667-1882

**Burma** (also known as **Myanmar**) Washington, DC (202) 332-9044/45; fax (202) 332-9046

**Burundi** Washington, DC (202) 342-2574; fax (202) 342-2578

**Cambodia** Washington, DC (202) 726-7742; fax (202) 726-8381

**Cameroon** Washington, DC (202) 265-8790; fax (202) 387-3826

**Canada** Seattle, WA (206) 443-1777; fax (206) 443-9662/443-9735

**Cape Verde** Washington, DC (202) 965-6820; fax (202) 965-1207

**Central African Republic** Washington, D. C. (202) 462-2517; fax: same

**Chad** Washington, DC (202) 462-4009; fax (202) 265-1937

**Chile** San Francisco, CA (415) 982-7662; fax (415) 982-2384

**Colombia** San Francisco, CA (415) 495-7195; fax (415) 777- 3731

**Comoros** New York, NY (212) 972-8010

**Congo (Brazzaville)** Washington, D. C. (202) 726-0825; fax (202) 726-1860

**Congo (Kinshasa)**(formerly **Zaire**) Washington, DC (202) 234-7690; fax (202) 686-3631

**APPENDIX 4.15B**

**Cote D'Ivoire (Ivory Coast)** Washington, DC (202) 797-0300; fax (202) 483-8482

**Croatia** Washington, DC (202) 588-5899; fax (202) 588-8936

**Cuba** Washington, DC (202) 797-8518; fax (202) 797-8521

**Denmark** Los Angeles, CA (310) 443-2090; fax (310) 443- 2099

**Djibouti** Washington, DC (202) 331-0270; fax (202) 331-0302

**Dominican Republic** San Francisco, CA (415) 982-5144; fax (415) 982-0237

**Ecuador** San Francisco, CA (415) 957-5921/22; fax (415) 957-5923

**Egypt** San Francisco, CA (415) 346-9700; fax (415) 346-9480

**El Salvador** San Francisco, CA (415) 781-7924; fax (415) 781-1136

**Equatorial Guinea** Washington, DC (202) 393-0525; fax (202) 393-0348

**Eritrea** Washington, DC (202) 319-1991; fax (202) 319-1304

**Estonia** Washington, DC (202) 588-0101-2; fax (202) 588-0108

**Ethiopia** Washington, DC (202) 234-2281-2; fax (202) 328-7950

**Finland** Los Angeles, CA (310) 203-9903; fax (310) 203-9186

**France** San Francisco, CA (415) 397-4330; fax (415) 433-8357

**Gabon** Washington, DC (202) 797-1000; fax (202) 332-0668

**Germany** Seattle, WA (206) 682-4312; fax (206) 682-3724

**Greece** San Francisco, CA (415) 775-2103; fax (415) 776-6815

**Guatemala** San Francisco, CA (415) 788-5651; fax 788-5653

**Guinea** Washington, DC (202) 483-9420; fax (202) 483-8688

**Guinea-Bissau** Washington, DC (202) 872-4222; fax (202) 872-4226

**Haiti** Washington, DC (202) 332-4090-92; fax (202) 745- 7215

**APPENDIX 4.15B**

**Holy See** Washington, D. C. (202) 333-7121; fax (202) 337-4036

**Honduras** San Francisco, CA (415) 392-0076; fax (415) 292-6726

DEPARTMENT PROCEDURES BY NUMBER

**Hong Kong** (See **China**)

**Iceland\*** Washington, DC (202) 265-6653; fax (202) 265-6656

**India** San Francisco, CA (415) 668-0682/83; fax (415) 668-2073/7968

**Indonesia** San Francisco, CA (415) 474-9571; fax (415) 441-4320

**Iran** Washington, DC (202) 965-4990

**Iraq** Washington, DC (202) 483-7500; fax (202) 462-5066

**Ireland** San Francisco, CA (415) 392-4214; fax (415) 392-0885

**Israel** San Francisco, CA (415) 398-8885; fax (415) 398-8589

**Italy** San Francisco, CA (415) 931-4924/292-9210; fax (415) 931-7205

**Japan** Portland, OR (503) 221-1811; fax (503) 224-8936 Seattle, WA (206) 682-9107; fax (206) 624-9097

**Jordan** Washington, DC (202) 966-2664; fax (202) 966-3110

**Kenya** Los Angeles, CA (310) 274-6635; fax (310) 859-7010

**Korea, North** New York, NY (212) 972-3105; fax (212) 972-3154 (U.N. Mission)

**Korea, South** Seattle, WA (206) 441-1011; fax (206) 441-7912 **Laos** Washington, DC (202) 332-6416/17; fax (202) 332-4923

**Latvia** Washington, DC (202) 726-8213

**Lebanon** Los Angeles, CA (213) 467-1253

**Lesotho** Washington, DC (202) 797-5534; fax (202) 234-6815

**Liberia** Washington, DC (202) 723-0437

**Libya** New York, NY (212) 752-5775; fax (212) 593-4787

**Lithuania** Washington, DC (202) 234-5860; fax (202) 328-0466

**APPENDIX 4.15B**

**Luxembourg** San Francisco, CA (415) 788-0816; fax (415) 788-0985

**Macedonia, The Former Yugoslav Republic of** Washington, DC (202) 337-3063; fax (202) 337-3093

**Madagascar** Washington, DC (202) 265-5525/26; fax (202) 483-7603

**Malawi** Washington, DC (202) 797-1007; fax (202) 265-0976

**Maldives** New York, NY (212) 599-6195; fax (212) 972-3970 (UN Mission)

**Mali** Washington, DC (202) 332-2249, 939-8950; fax (202) 332-6603

**Marshall Islands** Washington, DC (202) 234-5414; fax (202) 232-3236

**Mauritania** Washington, DC (202) 232-5700

**Mexico** Seattle, WA (206) 448-3526; fax (206) 448-4771

**Micronesia, Federated States of** Washington, DC (202) 544-2640

**Monaco** New York, NY (212) 832-0721; fax (212) 832-5358

**Morocco** Washington, DC (202) 462-7979; fax (202) 265-0161

**Mozambique** Washington, DC (202) 293-7146; fax (202) 835-0245

**Namibia** Washington, DC (202) 986-0540; fax (202) 986-0443

**Nauru** Honolulu, HI (808) 532-7821

**Nepal** Washington, DC (202) 667-4550; fax (202) 667-5534

**Netherlands** Los Angeles, CA (310) 268-1598; fax (310) 312-0989

**New Zealand** Los Angeles, CA (310) 207-1605; fax (310) 207-3605

**Nicaragua** San Francisco, CA (415) 765-6821; fax (415) 765-6826

**Niger** Washington, DC (202) 483-4224-27; fax (202) 483-3169

**Norway** San Francisco, CA (415) 986-0766-8; fax (415) 986-3318

**Oman** Washington, DC (202) 387-1980-82; fax (202) 387-2186

**Pakistan** Washington, DC (202) 939-6200; fax (202) 387-0484

**APPENDIX 4.15B**

**Palau** Washington, DC (202) 452-6814; fax (202) 452-6281

**Panama** Washington, DC (202) 483-1407

**Papua New Guinea** Washington, DC (202) 745-3680; fax (202) 745-3679

**Paraguay** Washington, DC (202) 483-6960-62; fax (202) 234-4508

**Peru** San Francisco, CA (415) 362-7136; fax (415) 362-2836

**Portugal** San Francisco, CA (415) 346-3400

#### DEPARTMENT PROCEDURES BY NUMBER

**Qatar** Washington, DC (202) 338-0111; fax (202) 337-2989  
**Rwanda** Washington, DC (202) 232-2882; fax (202) 232-4544  
**Samoa** Washington, DC (202) 833-1743; fax (202) 833-1746  
**San Marino** New York, NY (212) 465-1012 (UN Mission)  
**Sao Tome and Principe** Washington, DC (202) 986-7732; fax (202) 387-5935 (honorary consul)  
**Saudi Arabia** Los Angeles, CA (310) 479-6000; fax (310) 479-2752  
**Senegal** Washington, DC (202) 234-0540; fax (202) 332-6315  
**Serbia and Montenegro** Washington, DC (202) 462-6566  
**Slovenia** Washington, DC (202) 667-5363; fax (202) 667-4563  
**Solomon Islands** New York, NY (212) 599-6192; (UN Mission)  
**Somalia** New York, NY (212) 599-6193 (UN Mission)  
**South Africa** Los Angeles, CA (310) 657-9200; fax (310) 657-9215  
**Spain** San Francisco, CA (415) 922-2995/96 fax (415) 931-9706  
**Sri Lanka** Washington, DC (202) 483-4025-4028; fax (202) 232-7181  
**Sudan** Washington, DC (202) 338-8565-70  
**Suriname** Washington, D. C. (202) 244-7488; fax (202) 244-5878  
**Swaziland** Washington, DC (202) 362-6683, 6685; fax (202) 244-8059

#### **APPENDIX 4.15B**

**Sweden** Washington, DC (202) 467-2600; fax (202) 467-2699  
**Switzerland** San Francisco, CA (415) 788-2272; fax (415) 788-1402  
**Syria** Washington, DC (202) 232-6313  
**Taiwan--**Taipei Economic and Cultural Representative Office (TECRO) Seattle, WA (206) 441-4586; fax (206) 441-4320  
**Thailand** Los Angeles, CA (213) 937-1894; fax (213) 937-5987  
**Togo** Washington, DC (202) 234-4212/13; fax (202) 232-3190  
**Tunisia** Washington, DC (202) 862-1850; fax (202) 862-1858  
**Turkey** Los Angeles, CA (213) 937-0118; fax (213) 932-0061  
**Uganda** Washington, DC (202) 726-7100-02; fax (202) 726-1727  
**United Arab Emirates** Washington, DC (202) 338-6500; fax (202) 337-7029  
**Uruguay** Santa Monica, CA (310) 394-5777; fax (310) 394-5140  
**Vanuatu** New York, NY (212) 593-0144; fax (212) 593-0219 (UN Mission)  
**Venezuela** San Francisco, CA (415) 421-5172  
**Vietnam** Washington, DC (202) 861-0737; fax (202) 861-0917  
**Yemen** San Francisco, CA (415) 989-3636

#### **APPENDIX 4.15C**

#### **WHEN CONSULAR NOTIFICATION IS AT THE FOREIGN NATIONAL'S OPTION**

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

DEPARTMENT PROCEDURES BY NUMBER  
Foreign national requested consular notification  
Foreign national denied consular notification

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Officer's signature and DPSST No. Date & Time

#### APPENDIX 4.15D

#### WHEN CONSULAR NOTIFICATION IS MANDATORY

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

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Officer's Signature and DPSST No. Date & Time

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#### 4.15.1-1 INTERPOL LIAISON

#### 4.15.1-1 OREGON STATE POLICE INTERPOL LIAISON

A. Further assistance in making notifications concerning detention or arrest may be directed to:

Oregon State Police Interpol Liaison  
400 Public Service Building  
Salem, Oregon 97310  
NLETS ORI: OROSP0000  
Phone: 503-378-3720

Craig Junginger  
Chief of Police

14.15.2 MEXICAN CONSULATE

**4.15.2-1 PORTLAND OFFICE OF THE MEXICAN CONSULATE**

- A. The Portland consulate is led by Consul General de Mexico Enrique A. Romero Cuevas
- B. The location of the closest consulate for the country of Mexico is
  - 1. 1234 SW Morrison Street, Portland, Oregon 97205.
  - 2. The phone number is (503) 274-1442 (M-F, 8:30 am – 1:30 pm).
  - 3. The fax number is (503) 274-1540.
- C. The Protection Department of the Mexican Consulate can be reached at (503) 229-0790.

Craig Junginger  
Chief of Police

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4.16 ARREST DENTENTION AND TRANSPORT OF PRISONERS

**4.16.1 PURPOSE**

A. Apprehension and arrest of those who violate the law is one of the primary functions of law enforcement. The manner in which Department members carry out their responsibilities in this area is extremely important. Officer performance affects the safety of citizens and their property. It also affects the safety of other officers. Finally, it affects the reputation and civil liability of the Department and its members. This directive provides guidelines on arrests, citations, transporting persons under arrest, and use of the temporary detention facility.

**4.16.2 DISCUSSION**

A. The administration of criminal justice consists of the identification, arrest, prosecution, punishment and rehabilitation of those who violate the law. It has as its objective voluntary compliance with the law as an alternative to punishment. Once a crime has been committed, it is the duty of the Department to initiate the criminal justice process by identifying and arresting the perpetrator, to obtain necessary evidence, and to cooperate in the prosecution of the case. As the certainty of swift and sure punishment serves as an effective deterrent to crime, the Department must diligently strive to solve crimes and to bring perpetrators to justice. Officers are expected to take appropriate action within the procedures of the Department in response to violations of the laws and ordinances when violations come to their attention.

**4.16.3 definitions**

C. Juvenile Offender

- 1. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.
  - 2. Criminal Offender: A juvenile who is charged with an offense that would be a crime if committed by an adult.
- D. Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's

#### DEPARTMENT PROCEDURES BY NUMBER

parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.

E. Non-secure Custody: A condition under which a person's freedom of movement is controlled by members of the Department and, during such time, the person:

1. Is held in an unlocked, multi-purpose area (i.e., reception area, interview rooms, report writing room, etc.);
2. Is at no time handcuffed to any stationary object;
3. Is held only long enough to complete identification, investigation and processing then released to a responsible adult or transferred to an appropriate facility or court; and
4. Is under continuous visual supervision until released.

F. Temporary Detention Area (TDA)/Secure Custody: Is the portion of the police facility that consists of the sally port entrance, four holding cells, and DUII processing room. NOTE: Barring extenuating circumstances, no person may be detained in the Department's TDA beyond four hours.

G. Restraints: Handcuffs, Flex-Cuffs, hobbles, belly chains, and all such devices the design or use of which is to temporarily restrain a person for the purpose of officer safety or to prevent injury to the person or another.

#### **4.16.4 RESPECT FOR CONSTITUTIONAL RIGHTS**

A. Individuals may not be deprived of their constitutional rights merely because they are suspected of committing a crime. An officer who lawfully acts within the scope of authority does not deprive persons of their civil liberties. Officers may within their scope of authority make reasonable inquiries, conduct investigations, and arrest on probable cause.

#### **4.16.5 CRITERIA**

A. Officers are empowered with a great deal of discretion in dealing with matters of booking and incarceration of offenders. However, certain criteria should be adhered to in determining the disposition of enforcement action.

##### **B. Felony Offenders**

1. Persons accused of felony crimes should be booked, photographed, fingerprinted and incarcerated. Specific crimes designated by the District Attorney's office may be cited to appear and released after booking, photographing, and fingerprinting.

##### **C. Misdemeanor Offenders**

1. Persons accused of misdemeanor offenses may be incarcerated, or cited to appear and released after all pertinent booking information has been obtained, depending on the severity of the offense and with due consideration for any hazard they may pose. The officer has the option of fingerprinting and photographing any misdemeanor offender. In all cases where an arrest has been made or a citation to appear has been issued, the officer will obtain a case number and complete an arrest report.

#### **4.16.6 DISCRETION AND ALTERNATIVES TO ARREST**

A. Discretion is the freedom to act. Every member uses discretion to resolve situations the member confronts. Members may use discretion to select an appropriate response when dealing with traffic offenses, violations, requests for public records, and certain criminal offenses of a minor nature. The more significant or serious an incident, the less discretion is authorized. Members' discretion is limited by training, education, experience, laws, ordinances, Department directives and supervisors' instructions.

## DEPARTMENT PROCEDURES BY NUMBER

B. Once a violator has been identified, it is the function of the Department to initiate the criminal process; however, there are circumstances when a crime may occur and the Department will not make a physical arrest. There may be a report written and an application for a complaint made; or, in some cases when the offense is of a minor nature, a verbal warning or other direction may be given. The decision not to make an arrest will be guided by Department policy and the factual situation involved, not by the personal feelings of the officer. An arrest does not dictate a booking, and a booking does not dictate continued detention. When circumstances so indicate, an arrestee should be released without being booked and, if booked, should be released from further detention.

### 1. Discretion concerning issuance of misdemeanor citations. ORS 133.045

<http://www.leg.state.or.us/ors/133.html> allows the use of a citation-in-lieu of custody for all violations, most misdemeanors and some felony charges, which may be deemed a misdemeanor after sentence is imposed. A citation-in-lieu of custody is authorized if the officer determines:

- a. The arrest is made without an arrest warrant (unless the warrant specifically authorizes a citation-in-lieu of custody) and is not an arrest under the Family Abuse Prevention Act.
- b. The crime is a misdemeanor or a nonviolent felony (e.g. crime against property).
- c. The suspect does not appear to pose an immediate threat to the victim, community or self.
- d. The suspect does not appear to pose a high risk of fleeing the area.

### 2. Cite-in-lieu Fingerprinting

a. When citing-in-lieu, normally a print of the **right thumb** should be obtained. If, however, the right thumb is missing or unable to be printed, a print may be obtained from any other available finger. The finger utilized to obtain the print must be identified on the card.

### 3. Restrictions On Discretion

- a. A police officer shall not use a misdemeanor citation-in-lieu of custody for valid arrest warrants or during domestic disturbance incidents meeting requirements of ORS 133.055 except when specifically authorized by that statute.
- b. Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.
- c. Even though an officer reasonably believed probable cause to arrest existed at the time of the arrest, when an officer determines that the probable cause under which a person was arrested does not in fact, or no longer exists, the officer shall release the arrested person.

## 4.16.7 Authority To Arrest

A. ORS 133.235 (<http://www.leg.state.or.us/ors/133.html>) empowers all Oregon peace officers to make arrests for offenses, pursuant to ORS 133.310, anywhere within the boundaries of the State of Oregon. Department policy recognizes this authority, and recommends discretion on the part of each officer.

### 1. On-Duty Arrests

b. On duty arrests may be made outside the boundaries of the City in cases of hot and/or fresh pursuit, or while following up on crimes committed within the City, or while assisting another agency. The police agency with primary jurisdiction in which the arrest occurs, shall be notified as soon as possible.



DEPARTMENT PROCEDURES BY NUMBER

2. Off-Duty Arrests

a. Officers observing criminal activity should affect an arrest only when an imminent risk to life or property exists and the reasonable opportunity does not exist to contact the police agency with primary jurisdiction. In such situations the involved officer shall clearly identify himself as a police officer.

**4.16.8 arrest warrants**

A. When a wanted subject is taken into custody on an arrest warrant by a member of the Police Department, the prisoner will be transported to a holding facility for booking and processing. EXCEPTION: When the warrant is endorsed for citation-in-lieu.

B. Arrest warrants will be kept in a file in the Report Writing Room where it is accessible at all times. The officer will notify the Records Section as soon as possible that the warrant has been served.

C. The supervisor will route the custody report to the Records Section.

D. Records Section personnel will:

1. Return the warrant to the issuing jurisdiction with a copy of the custody report;
2. Verify with the issuing county by telephone or Teletype that the warrant is valid;
3. Place a printout of the LEDS/NCIC entry and a copy of the warrant in our file; and
4. Send a Teletype to the agency holding the warrant advising that the warrant has been served, and place a "Locate" on the LEDS/NCIC entries.

**4.16.9 CITIZENS ARRESTS**

A. Situations that involve a citizen taking a suspect into custody should not be encouraged. However, if a citizen makes an arrest, it is his responsibility to take the arrestee before a magistrate or surrender the arrestee without delay to a peace officer. The officer must independently review the circumstances surrounding the arrest. Custody of the arrestee should be maintained only after the officer has determined that the arrest is valid. The citizen making the arrest shall inform the arrestee that he is under arrest, and state the charge. If the arrest is valid and the arrestee is taken into custody, the matter will be processed. The officer's report shall state that the arrest was initiated by a citizen, and set forth the relevant facts and circumstances. The officer shall obtain the arresting citizen's signature using the appropriate Department form(s).

B. If the arrest is not accepted because of a question over probable cause, the officer shall document the incident in his report. A copy of the report shall be forwarded to the District Attorney's office for review.

**4.16.10 ESTABLISHING IDENTITY**

A. Officers must exercise discretion when a violator cannot or will not provide satisfactory identification. If a citation-in-lieu of custody is issued, the officer should, to the extent possible, obtain information for the execution of an arrest warrant should the violator ultimately fail to appear for arraignment. If the identity of the person to be cited for a criminal offense is not satisfactorily determined, the person shall be taken into full custody and transported to the appropriate detention facility where positive identification can most likely be effected.

B. If a prisoner is being transported from a correctional facility the officer should make reasonable attempts at positively identifying the person as the prisoner to be transported. To include, but not limited to, correctional

DEPARTMENT PROCEDURES BY NUMBER

facility name tags, wristbands, and booking photographs.

**4.16.11 TREATMENT OF INDIVIDUALS UNDER ARREST**

1. Advice Of Rights

2. Search Incident to Arrest

3. Transportation

a. Persons in custody shall be attended to at all times, and will be transported to the appropriate detention facility without delay.

**4.16.12 ADVISING SUSPECTS OF THEIR RIGHTS**

1. Access To Counsel

a. Persons arrested shall be granted access to counsel, if requested, prior to any further custodial interrogation, in accordance with the Police Department advice of rights statement. Access may be by telephone or in person, depending on the existing conditions.

2. Volunteered And Spontaneous Statements

a. These are not barred and no warning need be given preceding them. However, questioning initiated by the police officer thereafter in clarification or amplification of the volunteered or spontaneous statements should be preceded by an advisement of constitutional rights.

3. Documentation Of Rights

a. The fact that a prisoner who gives a statement was so advised or admonished should be included at the beginning of any written statement or included in the police report if the statement is obtained verbally.

b. Advice of constitutional rights should be read directly from the Rights Card.

4. It may be necessary for the officer to testify in court as to the precise language used to warn the suspect of their rights and the precise language by which the suspect waived these rights.

**4.16.13 Transportation**

An officer making an arrest will transport the arrested individual, or cause them to be transported, to the correctional or holding facility to be booked without unnecessary delay or to the Police Department for booking and release as is appropriate.

a. The safety barrier is functioning properly and is able to remain in the locked position.

DEPARTMENT PROCEDURES BY NUMBER

a. Arrest Location;

b. A Probable Cause Affidavit when necessary.

**4.16.14 JAIL/Temporary DETENTION AREA (TDA)**

Adult arrestees meeting incarceration criteria will be lodged in the County Jail for arraignment in the proper court on the next available court date. If the arrestee does not meet the jail's criteria for lodging the arrestee may be transported to the Police Department for processing after which the person will be given a citation to appear and then released.

1. GPD personnel utilizing the TDA shall first receive training in safety and security procedures, operations, supervision and physical restraint of prisoners and such other matters consistent with assigned responsibilities.

DEPARTMENT PROCEDURES BY NUMBER

## DEPARTMENT PROCEDURES BY NUMBER

h. Immediately after a prisoner is removed from the cell an officer shall inspect the cell to ensure there is no contraband, damage, need for cleaning, or other items in the cell.

i. Completed Prisoner Care Logs will be attached to the officer's report.

j. Records Section personnel will forward a copy of each Prisoner Care Log to the Administrative Assistant II assigned to the Patrol Division.

k. The Prisoner Care Logs will be maintained per State Archive Laws (i.e. retain five years, destroy).

### G. Telephone calls by prisoners

1. Prisoners held in the TDA will be allowed to make a reasonable number of phone calls in an effort to make arrangements for their release and/or legal counsel.

### H. Meals for Prisoners

1. Since prisoners normally will not be held in the TDA longer than four (4) hours, it will rarely be necessary to provide meals. However, if the need to provide food should arise, it may be purchased with funds from petty cash. If petty cash is not accessible during an officer's shift and personal finances must be used, reimbursement will be made to that officer.

2. If meals are brought into the TDA they will not be in metal or glass containers.

3. No metal or plastic eating utensils will be allowed in the TDA.

4. Once the prisoner is finished eating then all food containers will be accounted for prior to disposal.

### I. Use of the TDA by Outside Agencies

1. Outside law enforcement agencies may utilize the Department's TDA. However, to ensure that proper procedures are adhered to, an officer from another agency should, when possible, be accompanied by an officer of this Department while using the TDA. This may be waived when outside agencies use only the DUI processing room and the holding cells are not used for confinement.

2. Corrections Deputies operating the TDA as an intake center are exempt from the GPD escort officer requirement outlined above.

### J. Cleaning of the Detention Rooms

1. City Hall janitorial staff will complete routine cleaning of the TDA, once each week.

2. Problems requiring expeditious cleaning (i.e. biohazards) will be conspicuously marked on the cell door with a non-permanent indicator. The cell door shall be closed and a shift supervisor shall be notified as soon as possible. The shift supervisor will be responsible for notification of the janitorial staff.

3. All members will be responsible for ensuring that the TDA is kept free from nonessential items and litter.

DEPARTMENT PROCEDURES BY NUMBER

**4.16.15 JUVENILE OFFENDER PROCEDURE**

A. State statutes limit the maximum holding time for juvenile offenders, both status offenders and criminal offenders, to five (5) hours; however, the Department's TDA policy is to normally hold detainees for no longer than four (4) hours. Consequently, juvenile offenders taken into custody should either be released to a parent, guardian or other responsible adult, or transported to JDH or a State authorized facility within the four (4) hour time frame whenever possible.

B. Response to crimes involving juveniles will not differ from that for adult crimes. Officers may use any reasonable means to protect themselves when a juvenile is a threat to personal or public safety.

C. Department members who take Juvenile offenders into custody shall make every effort to notify the juvenile's parent, guardian or other responsible adult of the arrest. Arrested juveniles shall either be detained at a location designated by the Juvenile Department, released to their parent(s) or authorized representative(s), or released in a manner designated by the Juvenile Department.

D. Status Offenders

1. Based on the seriousness and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.

2. Status offenders should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officers or others. This should be articulated in the officer's report.

3. Status offenders shall be held in non-secure custody and only for the time needed to conduct identification, investigation and related processing requirement to facilitate their release to a parent, guardian, other responsible adult or transfer to a juvenile facility.

4. Status offenders and other juveniles taken into temporary non-secure custody for non-criminal type offenses should not be fingerprinted or photographed for purposes of record.

5. Transportation of a status offender in a caged vehicle is **not** considered secure custody.

E. Criminal Offenders

1. Criminal offenders are subject to the same security requirements as adults.

2. Fingerprints and photographs of criminal offenders shall be marked juvenile and kept separately from adult fingerprints and photographs.

3. Criminal offenders may be securely detained at the Department's TDA if NO ADULT prisoners are being held within sight or sound of the juvenile and shall remain in constant visual and auditory access of the responsible officer and/or Records personnel.

4. Custodial interviews and questioning should occur in the presence of a parent, guardian or other responsible adult whenever possible.

5. In the absence of a parent or guardian, a criminal offender may be questioned and may provide statements if reasonable assurance can be made that the juvenile fully understands his constitutional rights.

F. Juvenile offenders under the age of twelve (12) cannot be held in the TDA. They should instead be referred to the Multnomah County Juvenile Court.

DEPARTMENT PROCEDURES BY NUMBER

G. Juvenile offenders between the ages of twelve (12) and eighteen (18) may be placed in the TDA if NO ADULT prisoners are being held within sight or sound of the juvenile offender. If adults are brought into the TDA while juveniles are present, the juvenile(s) must be moved out of sight and sound of the adult offenders.

**4.16.16 ESCAPE PROCEDURE**

A. In the event that a prisoner escapes during transport, or from the TDA, the officer shall do the following:

4. After the situation has been stabilized, a complete and detailed report will be completed, prior to the end of shift, and forwarded to the shift supervisor.

Carla C. Piluso  
Chief of Police

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4.17 ACTIVATION OF AMBER ALERT SYSTEM

**4.17.1 PURPOSE**

A. The purpose of this directive is to provide guidelines for when a child is abducted and the subsequent activation of the Amber Alert System.

**4.17.2 Definition**

A. Amber Alert is a cooperative program between law-enforcement agencies and local area radio, television stations and the Oregon Department of Transportation to broadcast and disseminate information about a missing endangered child using the Emergency Broadcast System.

**4.17.3 PROCEDURE**

A. Responding Officer: When dispatched on a child abduction call, the officer will:

- a. The officer must complete the Amber Alert checklist (Appendix 4.17A).
- b. The officer will contact the on-duty supervisor for Amber Alert activation.

B. Responding Supervisor: Once contacted by the on-scene officer, the responding supervisor will:

C. Department (Incident Commander) Response

DEPARTMENT PROCEDURES BY NUMBER  
D. BOEC Responsibilities

Carla C. Piluso  
Chief of Police

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4.18 ELECTRONIC CONTROL WEAPONS

**4.18.1 PURPOSE**

A. The purpose of this procedure is to provide officers with guidance and direction on the use of electronic control weapons (ECWs).

**4.18.2 POLICY**

A. It is the policy of the Gresham Police Department to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. Authorized and trained personnel in accordance with this procedure and additional use-of-force guidelines established may use ECWs.

**4.18.3 DEFINITIONS**

A. *Electronic Control Weapon (ECW)*: A weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

B. *Drive stun*: The procedure of using the ECW with a live cartridge, spent probe cartridge, or no probe cartridge to make physical contact with a subject and deliver energy.

C. *Probe cartridge*: A device that contains two probes, connected to light gauge wire that is propelled and attaches to the subject upon activation of the ECW.

**4.18.4 PROCEDURES**

A. Authorized Users - Only officers who have satisfactorily completed the Gresham Police Department's approved training course shall be authorized to carry ECWs.

1. The device will be carried in an approved holster on the side of the body opposite the service handgun. Officers not assigned to uniformed patrol may utilize other department-approved holsters and carry the weapon consistent with department training.

2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.

3. Officers authorized to use the device shall carry at least two cartridges in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement.

4. Only agency-approved battery power sources shall be used in the ECW.

C. ECW Training and Certification

1. *ECW Authorization* – Only trained and authorized officers may carry and/or use an ECW. Officers must be certified by a Department ECW instructor after attending the 8-hour basic ECW training class.

2. *ECW Re-certification* – Authorized officers will re-certify annually by attending a recertification course administered by the Department Defensive Tactics Unit. Officers must demonstrate basic knowledge and proficiency as required by the Defensive Tactics Unit.

3. *Certified Instructors* – All Department ECW certification programs will be presented by a Taser International, Inc. certified (or equivalent) ECW instructor.

4. *Confrontation Simulation* - training will be presented by an officer authorized by the Defensive Tactics Unit .

5. *Training Records* – The Department Training Unit shall maintain ECW training and certification records.

D. Authorized Use of ECW



## DEPARTMENT PROCEDURES BY NUMBER

1. The ECW may be used in the following circumstances pursuant to use-of- force procedures:
  - a. A person engages in or displays the intent to engage in physical resistance to a lawful police action. Actions that prevent or attempt to prevent an officer's attempt to physically control a subject, but do not involve attempts to assault the officer constitute *physical resistance*.
  - b. A person engages in or displays the intent to engage in ominous physical resistance to a lawful police action. The willingness to engage in assault through verbal challenge, threats and/or aggressive actions, or refusing to drop a weapon constitute *ominous physical resistance*.

### E. Prohibited Use of ECW

1. The ECW shall not be used on the following persons or circumstances unless one of the stated exceptions is met:
  - a. Children known to be, or obviously, under the age of 12;
  - b. Persons known to be, or are obviously, older than the age of 60;
  - c. A woman known to be, or is obviously, pregnant;
  - d. A person known to be, or is obviously, medically fragile.
2. Exceptions that would permit the use of the ECW on the above persons or circumstances are as follows:
  - a. The person is armed with a deadly or dangerous weapon;
  - b. The person is engaging in suicidal behavior;
  - c. The person cannot be safely controlled with other force options.
3. Additional ECW prohibitions include:
  - a. Shall not be used on handcuffed persons unless the subject is actively engaging in physical resistance;
  - b. Shall not be aimed at the head or face;
  - c. Shall not be used on any suspect who does not demonstrate an overt intention 1) to use violence or force against the officer or another person, or 2) to flee in order to resist or avoid detention or arrest (in cases where officers would pursue on foot);
  - d. Shall not be used in a punitive or coercive manner;
  - e. Shall not be used for horseplay or practical jokes;
  - f. Shall not be used on subjects engaging in passive resistance;
  - g. Shall not be used to harass or unduly influence a person under any circumstance;
  - h. Shall not be used on persons exposed to or within areas where flammables/explosives are present (including a current heavy use of alcohol based oleoresin capsicum).

### F. Cautionary use of the ECW

1. As in all uses of force, certain individuals maybe more susceptible to injury. Officers should be aware of the greater potential for injury when using an ECW against the following:
  - a. Persons operating a motor vehicle or machinery;
  - b. Persons running or fleeing;
  - c. Intentional application to sensitive areas (e.g., face, head, female breast, groin);
  - d. Persons in an elevated position;
  - e. Persons near a swimming pool or other body of water.

### G. ECW Deployment

1. In preparation for firing, the ECW shall be pointed in a safe direction or on target, taken off safety and then aimed. Center mass of the subject's back should be the primary target where reasonably possible; lower center mass of the chest or the legs is the secondary targets.
2. Fixed sights should be used as the primary aiming device and the laser dot as the secondary aiming device.
3. Upon firing the device, the officer shall energize the subject for only the duration and number of cycles reasonably necessary to accomplish the legitimate operational objective. Each deployment of the ECW is a separate use of force, requiring articulated facts to justify **each** use.
4. The subject should be secured as soon as safe and practical while disabled by ECW power to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
5. The device may also be used in certain circumstances in a drive stun mode, as follows:
  - a. Removing the cartridge and then pressing the unit against an appropriate area of the body based on training or,

#### DEPARTMENT PROCEDURES BY NUMBER

- b. With a spent cartridge, pressing the unit against an appropriate area of the body based on training, or,
- c. Using a live cartridge. While using a drive stun in this fashion the unit may be moved to a separate area of the body to complete or enhance the Nero-Muscular Incapacitation.

It is important to note that when the device is used to drive stun without a cartridge or with a spent cartridge, it is:

- a. Primarily a pain compliance tool due to a lack of probe spread;
- b. Minimally effective compared to conventional cartridge-type deployments;
- c. Likely to leave marks on the subject's skin;
- d. Subject to the same deployment guidelines and restrictions as those of the ECW in cartridge deployments, but on a lower level in the force.

#### H. Conditions and Behaviors Requiring Medical Treatment after Deployment

1. EMS will be summoned when the ECW is deployed on the following listed individuals. EMS will also transport these individuals to a hospital following the deployment of ECW:

- a. Children known to be, or are obviously, under the age of 12;
- b. Person known to be, or are obviously, older than 60 years of age;
- c. A woman known to be, or is obviously, pregnant;
- d. A person known to be, or is obviously medically fragile (i.e. any individual with a chronic medical illness). Examples include diabetes, seizure disorder, emphysema, asthma, heart disease (previous heart attack, chest pain, angina), history of pacemaker or defibrillator, kidney failure, cancer, or transplant.
- e. A person suffering from hyper stimulation (before, during, or after deployment). This includes behaviors such as rapid speech, agitation, apprehension, excitation, restlessness, verbalization of impending doom, emotional instability, etc.; and physical symptoms such as dilated pupils, headache, teeth grinding, clenched teeth, nausea, vomiting, vertigo, tremor (i.e. twitching of small muscles, especially facial and finger), tics, non purposeful movements, pseudo hallucinations (e.g. cocaine bugs), seizures or coma, pale skin, racing pulse or increased breathing, and skin temperature (hot or very warm to the touch).

#### I. Other Medical Treatment after Deployment

(i) If the probes are embedded in the skin, EMS will be summoned to remove the probes and provide medical treatment if necessary. The probes should be treated as biohazards at all times.

#### J. Conditions Requiring Transport to a Medical Facility after Deployment

1. The following persons shall be transported to a medical facility for examination following exposure to an ECW. Any person who:

- a. is hit in a sensitive area (e.g. face, head, female breasts, groin);
  - b. from whom EMS have difficulty removing the probes;
  - c. does not appear to recover properly after deployment of the ECW.
  - d. is in a potentially susceptible population category as defined in 4.18.4 E. 1. Prohibited Use of ECW;
  - e. has been subjected to a continuous energy cycle of 15 seconds or more, or
  - f. has exhibited signs of extreme uncontrolled agitation or hyperactivity before ECW exposure.
2. Persons who have been energized more than 3 times in a probe or contact application may be evaluated by EMS outside of a medical facility unless they also meet those requirements as described in J. 1

#### K. Reporting

- 1. The deploying officer shall notify his or her supervisor as soon as practical after using the device, and complete the appropriate use-of-force report. Officers shall complete a use of force report for any use of the ECW to effect an arrest or control a subject, to include the use of laser, display arc and the actual energizing of a person.
- 2. Officers shall specifically articulate the rationale in their use-of-force report for any instance in which: an ECW is energized more than three times, an energy cycle longer than 15 seconds in duration is used, more than one ECW is used against a subject in any given incident, or an ECW is used against an individual

DEPARTMENT PROCEDURES BY NUMBER

designated to be in a "susceptible population" per 4.18.4 .E.1. of this procedure.

**4.18.5 NEGLIGENT DISCHARGE**

A. An on-duty sergeant will respond and assume investigative responsibility for all negligent or unintentional discharges and route a memorandum to their Watch Commander and Training Lieutenant. The exception to this is as follows:

1. Department training – The Lead Instructor or designated instructor will assume investigative responsibility and route their findings through the chain of command to the Training Lieutenant.

B. Officers will be required to attend remedial training and demonstrate proficiency with the ECW to a certified instructor before they may carry the ECW after a negligent discharge.

Craig Junginger  
Chief of Police

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4.19 SEARCH WARRANTS

A. It is the purpose of this policy to provide guidelines for obtaining search warrants.

A. The search warrant is one of the most powerful and valuable tools in the law enforcement arsenal. While the process of applying for and obtaining and serving a search warrant should be familiar to most officers, there are many technical and legal pitfalls that can invalidate a search warrant, lead to the suppression of evidence or dismissal of cases and have liability implications for involved officers. Therefore, it is the policy of this agency that all officers have a sound knowledge of the legal requirements associated with obtaining and serving a search warrant so as to prevent the suppression of evidence, support the Constitutional Rights of citizens and to maintain public confidence in this agency's mandate to carry out the police function in an ethical and legal manner.

magistrate or other judicial authority, directing a police officer to search for specified personal property, persons and/or use specific equipment to obtain information and bring it before the magistrate.

B. Search Site: The premises or person to be searched, as explicitly stated in the search warrant.

C. Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

F. Exigency (Exigent Circumstances): An officer reasonably believes that evidence is being destroyed or there is an imminent threat the evidence is about to be destroyed.

1. Searches Incident to Arrest: Searches of a person or the area within the immediate control of a person who has been lawfully arrested are permitted to secure weapons or evidence of a crime.

## DEPARTMENT PROCEDURES BY NUMBER

privacy, assuming the officer is in the place or position lawfully.

d. When dictated by the requirements for officer safety. When an officer believes that someone poses an immediate threat to the officer or another. (Note: entry is only permitted for the length of time necessary to stop the threat and any subsequent search must be conducted with a warrant or consent.)

e. Under emergency circumstances not otherwise enumerated above.

2. Specific *facts* establishing probable cause shall be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or unauthenticated third party information or hearsay. Such facts may be based on:

personal observation/knowledge of the officer; or information from a named reliable source. Information from a confidential reliable source.

3. When informants are used—particularly confidential informants—the reliability of the informant and information provided shall be specified. Whenever possible, officers shall corroborate informant information.

C. *Affidavit Preparation* - An affidavit supporting application for a search warrant shall be prepared in the judicially approved format. The accuracy of the affidavit is vital to the validity of the search warrant, thus officers shall ensure that the following information is clearly and completely specified.

1. Offense: The offense shall be described with reference to the criminal code section whenever possible.

street number and apartment number if appropriate; physical description of the premises; name of owner or occupant;

geographical location of the property;

***If due to the location further identifiers are needed references could include but not limited to:*** map coordinates or distances from given reference points; and photographs, maps or diagrams which help to specify the location in question.

Any other information that would specify the location including the legal description of the premises.

3. Scope of the Search: Only those things described in the search warrant can be seized. Therefore, the affidavit shall specify and officers shall ensure that the warrant includes the following:

All areas that officers desire to search shall be designated. In cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a "premises" search and its "curtilage" and should identify any outbuildings such as garages, tool sheds or barns, where appropriate, and be aware of the possibility that more than one legal address may exist on the same lot, area or plot of land. Motor vehicles known to be on the premises that may be searched should be specified.

Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible. The specific items to be searched for shall be detailed. Where the item may be dismantled (e.g. firearms), the warrant should authorize search for parts, pieces or components of that item. Officers anticipating search of computers and related high technology equipment should consult a designated expert for appropriate language to use in the affidavit and procedures for seizure of hardware and software.

4. Time and Method of Search

A search warrant may be served at any time of the day or night as long as the affidavit provides good cause and specific permission is granted in the warrant.

#### DEPARTMENT PROCEDURES BY NUMBER

Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

Officers may request a "no knock and announce" provision in the warrant when they have reason to believe that adherence to the knock and announce rule would endanger their safety or the safety of others, would enable wanted persons to escape or would likely result in the destruction of evidence before entry can be made.

2. Officers shall submit the search warrant checklist, affidavit and search warrant to a Deputy District Attorney or Assistant District Attorney for approval before it is submitted to a magistrate.

Officers shall review search warrants issued by judicial authorities to ensure that they include all pertinent information set forth in the affidavit accurately and completely, and that the warrant has been properly signed. Officers shall not attempt to serve any warrant that is known to contain substantive or administrative errors.

requirements regarding return on the warrant to include providing a receipt to the proper person for property taken, retention and security of property taken, and return of the original warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.

#### **4.19.5 PROCEDURES, SERVING A SEARCH WARRANT**

1. The search team should include at least one uniformed officer whenever possible. All non-uniformed officers shall be clearly identified as law enforcement officers by wearing a distinctive jacket or some other clear indicator of office.

2. All members of the search team should be properly equipped with body armor and other equipment need for the current circumstances.

3. Additional assets should be considered and included in the service of the search warrant if such assets would aid in the safe and efficient execution of the warrant. Such assets could include, but are not limited to:

a. Tactical entry teams, such as S.W.A.T.

#### **B. Time Limitations on Search Warrant Execution**

1. A search warrant shall be executed as soon as practicable within the conditions stated in state law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:

a. The need to have simultaneous searches executed at the same time, requiring coordination and mobilization of law enforcement resources.

d. A particular person(s) is absent from the search site, and the supervisory officer feels that the search would best be conducted if that person were present.

2. Absent court approval, necessity or authorization by law, a search should be conducted during daylight hours.

1. Prior to entering the premises, the supervisor, case agent, or other responsible officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.

#### DEPARTMENT PROCEDURES BY NUMBER

2. The supervisor, case agent, or other responsible officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.

3. The supervisory officer shall ensure that the entire search warrant execution process is documented, from beginning to end and continued until the search team leaves the premises when possible. A written record, if practical shall be supported by photographs and/or, a videotaping of the entire search site from start to finish.

#### D. Entry Procedures

1. The approach to the scene shall be executed in a manner which best ensures a safe and undetected arrival to the scene and jump-off point. If a pre-execution surveillance team is on the scene, contact with the surveillance team should be made to ensure that it is an appropriate time to serve the search warrant.

2. The supervisor, case agent, or other responsible officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

3. The search personnel should, if possible, position themselves in the following manner:

Exits from the premises should be covered.

b. Uniformed officers should be plainly visible, if present, or those members of the search team shall be clearly marked as Law Enforcement Officers to conduct the entry.

c. Officers without clear Law Enforcement markings should be the last members to enter the search site or enter only when the search site is secure.

4. Notification

a. The supervisor, case agent, or other responsible officer, shall, in accordance to state law, notify persons inside the search site, in a voice loud enough to be heard inside the premises, that s/he is a police officer and has a warrant to search the premises, and that s/he demands entry to the premises at once.

#### E. On Premises Activities

1. The supervisory officer shall ensure that members of the search team conduct a security sweep of the search site prior to photos or searching being started.

2. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.

3. Photographs of the location/person or thing to be searched should be taken prior to the search commencing.

4. The supervisory officer or designee shall read the warrant to the occupants of the premise or vehicle.

5. One person shall be designated as responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.

6. Items seized should be photographed in place prior to be collected.

7. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.

8. If damage occurs, the incident report *should* include the actions that caused the damage and a detailed description of the nature and extent of the damage.

DEPARTMENT PROCEDURES BY NUMBER

9. The supervisory officer shall insure a copy of the warrant and an itemized list of property seized is left at the search location, with the person searched, or in the item searched.

10. The supervisory officer should see that exit photographs are taken prior to securing the search location or releasing it, to document the condition of the premise/vehicle or item.

Carla C. Piluso  
Chief of Police

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4.20 DIPLOMATIC IMMUNITY

**4.20.1 PURPOSE**

A. The Department will investigate allegations of criminal conduct by suspects regardless of political affiliation, race, national origin or citizenship status. In these investigations, the Department will work with all appropriate federal, state and local law enforcement agencies.

B. The Department will comply with the Notification of Foreign Consulates Protocol of the Vienna Convention on Consular Relations and/or customary international law when individuals of a foreign nationality are arrested or otherwise detained.

A. Exempt from Arrest – An individual who will not be detained at the time of an arrest is justified (does not mean a person will not have to answer for a crime). NOTE: It is the opinion of the U.S. State Department that stops for routine traffic infractions and their resultant citations are neither arrests nor detentions.

B. Breach of Peace – Act or conduct that seriously endanger or disturb peace and order. An example might include trespassing or damaging property when accompanied by violence.

**4.20.3 PROCEDURE**

A. Diplomatic Immunity

entitled to “Diplomatic Immunity” and as such, is exempt from arrest (civil, criminal, or administrative).

respective houses, or while traveling to or from the session, are exempt from arrest in all cases except treason, felony or breach of the peace.

immunity.

DEPARTMENT PROCEDURES BY NUMBER

Carla C. Piluso  
Chief of Police

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4.21 STALKING LAWS

**4.21.1 PURPOSE**

A. The purpose of this procedure is to define police officer responsibility and establish guidelines for the stalking law.

**4.21.2 DEFINITIONS (ORS 163.730) ([Chapter 163 — Offenses Against Persons](#))**

A. "Alarm" means to cause apprehension or fear resulting from the perception of danger.

B. "Coerce" means to restrain, compel or dominate by force or threat.

C. "Contact" includes but is not limited to:

1. Coming into the visual or physical presence of the other person;
2. Following the other person;
3. Waiting outside the home, property or place of work or school of the other person or of a member of that person's family or household;
4. Sending or making written communications in any form to the other person;
5. Speaking with the other person by any means;
6. Communicating with the other person through a third person;
7. Committing a crime against the other person;
8. Communicating with a third person who has some relationship to the other person with the intent of affecting the third person's relationship with the other person;
9. Communicating with business (or government) entities with the intent of affecting some right or interest of the other person;
10. Damaging the other person's home, property or place of work or school; or
11. Delivering directly or through a third person any object to the home, property or place of work or school of the other person.

D. "Household member" means any person residing in the same residence as the victim.

E. "Immediate family" means father, mother, child, sibling, parent, spouse,



DEPARTMENT PROCEDURES BY NUMBER  
grandparent, stepparent and stepchild.

F. "Repeated" means two or more times.

G. "Petitioner" means victim.

H. "Respondent" means suspect/alleged stalker.

I. "CT/SPO" means Court Stalking Protective Order.

#### 4.21.3 PROCEDURE

A. Upon occurrence of the offending conduct, the victim or victim's parent or Guardian should contact police and several possibilities may occur.

1. The officer may have probable cause to arrest for the separate crime of "Stalking". The crime of Stalking is a Class A Misdemeanor (ORS 163.732).

a. A person commits the crime of Stalking if:

1) The person knowingly alarms or coerces another person or a member of the person's immediate family or household by engaging in repeated and unwanted contact with the other person.

2) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

3) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

An officer may arrest on the charge of Stalking even if the suspect has not previously been given an Oregon Uniform Stalking Citation and even if CT/SPO exists. The Criminal charge requires that at least one (1) of the "repeated" contacts must have occurred after June 13, 1995.

The crime of "Stalking" becomes a Class C Felony if the suspect has a previous conviction for a stalking charge or violating a CT/SPO.

An arrest for "Stalking" does not depend upon whether an Oregon Uniform Stalking Citation or a CT/SPO existed.

2. For the Civil process, the victim may seek an Oregon Uniform Stalking Citation (Appendix 4.21B) by filling out an Oregon Uniform Stalking Complaint (Appendix 4.21A). At least two (2) "repeated and unwanted" contacts that "alarms or coerces" must have occurred after June 13, 1995. Officers **must** document all the contacts when they write a report.

B. Officers must:

1. Contact Records Section for a case number for all Oregon Uniform Stalking Citations, complaints, and reports.

2. Clearly identify that the case number is for a stalking case.

3. Write the case number on all documents. This is the only means of tracking Civil Summons.

The result of any complaint or investigation, whether or not an arrest or citation results, **must** be documented and sent to the Records Section who will forward it to the District Attorney within three days. Officers will need

DEPARTMENT PROCEDURES BY NUMBER

to state clearly in their reports that the subject was given an Oregon Uniform Stalking Citation so that Records can enter "**Non-Arrest Civil Summons**" into the record.

C. The Oregon Uniform Stalking Citation (ORS 163.735 and 163.738)

1. The Oregon Uniform Stalking Citation is not an arrest. It is simply a process where an officer orders the alleged stalker into court for a civil proceeding. The Oregon Uniform Stalking Citation replaced the Police Officer's Stalking Protective Order that was abolished by the legislature.

2. When a complaint is initiated by a victim, the law states that "a law enforcement officer shall issue a citation ordering the person to appear in court within three judicial days".

3. If after receiving the complaint, the officer has probable cause to believe that the three-part test for the issuance of a citation has been met, then the officer shall issue the citation, serve it on the alleged stalker, and complete a report.

4. The three-part test for issuance of a citation is:

a. The person intentionally, knowingly, or recklessly engages in repeated and unwanted contact with the other person or a member of that person's immediate family or household, thereby alarming or coercing the other person;

b. It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

c. The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

NOTE: Officers **must** make a "good faith effort" to find the alleged stalker and serve the Oregon Uniform Stalking Citation if that person is not present at the scene. If the officer(s) is unable to serve the suspect by the end of their shift, forward all copies of the Oregon Uniform Stalking Complaint (except the victim's [Petitioner's] copy) with the Uniform Stalking Citation cover sheet and original report to the Records Section. Attempts to serve the Oregon Uniform Stalking Citation shall be recorded on the Uniform Stalking Citation cover sheet (Appendix 4.21B).

5. If an officer has been unable to serve the Oregon Uniform Stalking Citation, he **must** immediately re-contact the victim and inform him/her that the alleged stalker was not served. The victim should be instructed to contact the court to request a CT/SPO, which will be served on the alleged stalker by civil deputies. Officers must notify the victim when service is completed. Additionally, officer must inform the victim of their scheduled court appearance date, time and location.

6. The victim should be told to call 9-1-1 if the alleged stalker returns and was not contacted by the original officer. The subsequent responding officer(s) will take another complaint, get a new case number, and cite or arrest the alleged stalker as circumstances dictate.

D. Court Appearance

1. The petitioner's court appearance will be scheduled at 1430 hours (2:30 p.m.) within three judicial days (not counting weekends and holidays) of issuance of the Oregon Uniform Stalking Citation. For example, a citation issued on a Friday would, assuming a normal two-day weekend, be scheduled for a hearing on the following Wednesday at 1430 hours.

Juveniles, as well as adults will be "cited" into the same Family Law courtroom at:

Multnomah County Courthouse  
1021 SW 4th Avenue  
Portland, Oregon 97204

## DEPARTMENT PROCEDURES BY NUMBER

If the respondent fails to appear at the hearing, the court immediately issues a warrant for their arrest and enters a CT/SPO. The court will have the responsibility, upon finding of probable cause at the hearing, of having the CT/SPO entered into LEDS.

2. If the respondent is located but refuses to give his/her name, officers may take the respondent to the Portland Police Bureau's Identification Division for purposes of identification for issuance of the Oregon Uniform Stalking Citation. Officers **must** stay with the suspect so that the citation can be completed and served.

3. **Do not** complete a Custody Report if the custody is solely for the civil process service. Enter the information on the Suspect Report. If an arrest for misdemeanor or felony offenses occurs, the matter should be handled like any other criminal arrest. All usual forms should be completed and handled as in other arrests.

### E. Court Stalking Protective Order (CT/SPO)

1. The victim may petition the court directly for a CT/SPO and can obtain the court version of the forms at

Multnomah County Courthouse  
Family Law Unit, Room 211  
1021 SW 4th Avenue  
Portland, Oregon 97204

The victim must have the name and address of the alleged stalker so that he/she can be served by the civil deputies. If the victim does not have that information, the Family Law personnel will send them to the appropriate police agency for an investigation of the complaint.

2. Hearing the Circuit Court for issuance of the CT/SPO. The Oregon Uniform Stalking Citation orders the respondent into court on the third judicial day following service. **Do not** count the court day Citation is issued. The court and police agency **must** notify the petitioner of the date and time of the hearing. The petitioner may appear in person or by phone at the hearing.

NOTE: If the victim chooses to use the phone, they must be at their phone and available for the court's call at 2:30 p.m. on the court date.

3. If the respondent appears, the court may:

a. Continue the hearing for up to 30 days and enter a *Temporary Stalking Protective Order* in the meantime.

b. Or, if the court finds the three-part test for issuance to have been met by a preponderance of the evidence, issue a *Permanent (unlimited duration) Court Stalking Protective Order*.

4. If the respondent appears and the court grants a CT/SPO, the CT/SPO is enforceable immediately for any conduct subsequent to the court's order.

5. If the respondent fails to appear at the hearing, then the court will issue an arrest warrant and enter a CT/SPO. When the court grants a CT/SPO in the respondent's absence, a copy of the CT/SPO must still be served on the respondent before the order is effective and enforceable. Any CT/SPO, once served and entered into LEDS, is enforceable statewide.

6. If the respondent fails to appear, and an arrest warrant is issued, the court will notify the petitioner when the respondent is arrested on the warrant.

7. If the respondent violates either a temporary or permanent CT/SPO, then the crime of Violating a Court Stalking Protective Order has been committed.

8. The court may order the respondent to undergo mental health evaluation, treatment, or it may initiate civil commitment proceedings.

## DEPARTMENT PROCEDURES BY NUMBER

F. Department Responsibilities. The Gresham Police department **must**:

1. Make the Oregon Uniform Stalking Complaint form available to victims.
2. Have available the Oregon Uniform Stalking Citation form which will be used by police officers once they determine a citation is appropriate.
3. Serve the Uniform Stalking Citation on the alleged stalker. It should be noted that all victim information, with the exception of the victim's name, is protected and should **not** be revealed to the alleged stalker or the public.
4. Inform the victim of the court date and time, and complete the appropriate report(s).
5. Make a mandatory arrest for the crime of Stalking or Violation of a CT/SPO.

### 4.21.4 FORM DISTRIBUTION

A. Oregon Uniform Stalking Complaint and Oregon Uniform Stalking Citation (Appendix 4.21A).

1. Original (Court) goes to GPD Records Section. Immediately fax the Complaint/Citation only to the court. Within three days of receipt, GPD Records Section will forward document to:

Multnomah County Courthouse  
Family Law Courtroom Room 211  
1021 SW 4th Avenue  
Portland, Oregon 97204

2. Green copy (Police Record) goes to GPD Records Section.
3. Yellow copy (District Attorney's Record). Within three days of receipt, GPD Records Section will forward document to the Deputy District Attorney-Intake.
4. Pink copy (Petitioner) must be given to the victim.
5. Goldenrod copy (Respondent) should be given to the alleged stalker. If unable to locate the alleged stalker, this copy should be maintained in the case file.

B. Uniform Stalking Citation Cover Sheet (Appendix 4.21B)

1. Original goes to GPD Records Section for inclusion in case file.
2. Xerox copy one goes to GPD Records Section. Within three days of receipt, GPD Records Section will forward the document to:

Multnomah County Courthouse  
Family Law Courtroom Room 211  
1021 SW 4th Avenue  
Portland, Oregon 97204

3. Xerox copy two goes to GPD Records Section. Within three days of receipt, GPD Records Section will forward document to the Deputy District Attorney – Intake.

C. Other Reports and documentations (crime, custody, special).

DEPARTMENT PROCEDURES BY NUMBER

1. Original goes to GPD Records Section for inclusion in the case file.
2. Xerox copy one goes to GPD Records Section. Within three days of receipt, GPD Records Section will forward the document to:

Multnomah County Courthouse  
Family Law Courtroom Room 211  
1021 SW 4th Avenue  
Portland, Oregon 97204

3. Xerox copy two goes to GPD Records Section. Within three days of receipt, GPD Records Section will forward the document to the Deputy District Attorney – Intake.

Carla C. Piluso  
Chief of Police

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4.22 FIELD INTERVIEWS AND FRISKS

**4.22.1 PURPOSE**

A. To ensure that all stops (whether on foot, in a vehicle, or otherwise), detentions, and searches of persons by this Department are lawful; not in violation of the person's civil rights; and not motivated by the officer's perception of the person's race, color, sex, sexual orientation or national origin.

**4.22.2 DEFINITIONS**

A. Field Interview – The brief detainment of a person (whether on foot, in a vehicle, or otherwise), for the purpose of inquiry and/or determining the person's identity. An officer must have reasonable suspicion.

B. Frisk – An external patting of a person's outer clothing.

C. Reasonably suspects – A belief held by a police officer that is reasonable under the totality of the circumstances existing at the time and place the police officer acts as authorized in ORS 131.605 and 131.625 (<http://www.leg.state.or.us/ors/131.html>). NOTE: "Reasonable suspicion" is established when such a belief is held by the police officer. Reasonable suspicion is more than a hunch or a feeling, but less than the probable cause necessary to make an arrest.

D. Mere Conversation or Mere Encounter – Questioning without any restraint of liberty. There is no legal justification required for a mere conversation or encounter.

E. Unusual conduct – Conduct that leads a police officer to reasonably conclude, in light of the officer's training and experience, that criminal activity may have or is about to occur.

F. Stop – A temporary restraint of a person's liberty. The stop must be justified by reasonable suspicion that the person has or is about to commit a crime. A stop occurs when an officer, by show of authority, "restrains the liberty of the person encountered so that a reasonable person would not feel free to refuse to cooperate or leave the scene."

**4.22.3 CRIME STOP PROCEDURES**

DEPARTMENT PROCEDURES BY NUMBER

2. In justifying the stop and establishing the existence of reasonable suspicion, the officer must be able to point to specific facts which, when taken together with rational inferences, reasonably warrants the stop. Such facts may include, but are not limited to the following:

- a. The demeanor of the suspect that suggests that he is part of a criminal enterprise or is engaged in a criminal act; and/or
- b. The action of the suspect that suggests that he is engaged in a criminal activity; and/or
- c. The hour of day or night is inappropriate for the suspect's presence in the area; and/or
- d. Dependent on the circumstances, the suspect's presence in a neighborhood or location is inappropriate; and/or
- e. The suspect is carrying a suspicious object; and/or
- f. The suspect's clothing bulges in a manner that suggests he is carrying a weapon; and/or
- g. The suspect is located in proximate time and place to an alleged crime; and/or
- h. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

B. Initiating and Conducting a Field Interview

1. The detention and inquiry shall be conducted in the vicinity of the stop and for no longer than a reasonable period of time.

2. When approaching the suspect, the officer shall clearly identify himself as a police officer and, if not in uniform, announce his identity and display Department identification.

3. The inquiry shall be considered reasonable if it is limited to:

- a. The immediate circumstances that aroused the officer's reasonable suspicion; and/or
- b. Other circumstances arising during the course of the detention and inquiry that further support the officer's reasonable suspicion of criminal activity; and/or
- c. Ensuring the safety of the officer, the suspect stopped and/or other persons present, including inquiries regarding the presence of weapons.

4. In addition to the inquiry areas above, an officer may request consent to search in relation to matters specified in Paragraph 3a through 3c above, or to search for items of evidence otherwise subject to search or seizure under ORS 133.535 (<http://www.leg.state.or.us/ors/133.html>).

5. Officers shall be courteous during the contact but must maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, and other suspicious actions.

6. Before approaching more than one suspect, individual officers should determine whether circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.

7. A police officer making a stop may use that degree of force reasonably necessary to make the stop and ensure the safety of the police officer, the suspect stopped and/or other persons who are present.

## DEPARTMENT PROCEDURES BY NUMBER

### C. Justification for Conducting Frisks

1. An officer has the right to perform a frisk of the outer garments of a suspect to check for weapons if the suspect has been stopped based upon reasonable suspicion **AND** the officer has a reasonable fear for his own or another person's safety. Not every field interview poses sufficient justification for conducting a frisk. The following factors may support justification for performing a frisk. Officers should note that these factors are not all-inclusive. There may be other factors that could or should be considered.

- a. The type of crime suspected, particularly in crimes of violence where the use or threat of weapons or deadly force is involved; and/or
- b. The existence of more than one suspect that must be handled by a single officer; and/or
- c. The hour of the day and the location or neighborhood where the stop takes place; and/or
- d. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons; and/or
- f. Visual indications suggesting that the suspect is carrying a firearm or other deadly weapon.

### D. Procedure for Performing a Frisk

1. When justification exists to perform a frisk, it should be performed with due caution, restraint and sensitivity. Frisks are justifiable when performed to protect the safety of officers and others. The following guidelines should be observed:

- a. Whenever possible, frisks should be conducted by an officer of the same gender as the suspect.
- b. Officers may externally feel the outer clothing of the suspect. If the officer feels an object that could reasonably be a weapon, i.e., firearm, knife, club or other item, the officer may place his hands in the suspect's pockets.
- c. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack, fannypack, backpack or other item that may conceal a weapon, the officer should place it out of reach of the suspect. It should be noted that if the suspect and/or the suspect's vehicle is taken into custody, the officer may be required to complete a personal property inventory (see G.O. 4.13 Personal Property Inventory).
- d. Officers should observe appropriate officer safety guidelines while conducting frisks.

## 4.22.4 TRAFFIC STOP PROCEDURES

A. A police officer may arrest or issue a citation to a person for a traffic crime as provided by ORS 133.235 and 133.310 (<http://www.leg.state.or.us/ors/133.html>).

B. A police officer may issue a citation to a person for a traffic violation when the traffic violation is committed in his presence or when he has probable cause to believe an offense has occurred based on a description of the vehicle or other information received from another officer who observed the traffic violation.

C. A police officer:

1. May stop and detain a person for a traffic violation for the purpose of investigating matters reasonably

DEPARTMENT PROCEDURES BY NUMBER

related to the traffic violation, the suspect's identification, and issuance of the citation; and

2. May inquire into circumstances arising during the course of a detention and investigation under Paragraph 1 above, which gives rise to reasonable suspicion of criminal activity; and

3. To ensure safety, the officer may inquire about the presence of weapons from the person stopped or other persons present; and

4. May use that degree of force reasonably necessary to make the stop and ensure the safety of the officer, the person stopped or other persons present.

#### **4.22.5 REPORTING AND COMPLAINT REVIEW PROCESS**

##### A. Police reports

1. All field interviews, frisks, and consent to search requests must be fully documented (i.e., CAD, SDC, report) and submitted to the appropriate parties by the end of the officer's shift.

2. The Department and its members will cooperate fully and expeditiously in the collection and reporting of data related to this procedure (see General Order 7.4 Stop Data Collection).

##### B. Complaints

1. The Department and its members shall promptly and courteously receive allegations of violations of the provisions of this procedure.

2. Allegations of violations of the provisions of this procedure will be evaluated and investigated in accordance with the procedures set forth in General Order 5.9 Internal Affairs Investigations.

Carla C. Piluso  
Chief of Police

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#### **4.23 PROTECTIVE EYEWEAR**

##### **4.23.1 PURPOSE**

A. To establish guidelines for the use of Department issued protective eyewear. In an ongoing effort to increase safety and decrease the potential for injury, exposure to bloodborne pathogens or other infectious diseases, officers will be issued safety glasses for eye protection. The protective eyewear will be utilized at the firearms range and can be utilized on patrol during routine functions.

##### **4.23.2 PROTECTIVE EQUIPMENT**

A. Uvex Corporation – Genesis model with interchangeable lenses and adjustable earpieces.

1. Dual 9-base "wrap-around" lens provides uncompromised peripheral vision and protection;
2. Soft flexible fingers adjust and conform to any nasal profile and minimize slippage;
3. Soft elastomer brow guard diffuses and deflects impact;
4. Meets Mil VO ballistic test for impact;
5. Lifetime frame guarantee;
6. Soft nylon carry case;
7. 2 lenses included: Clear and gray tint for bright conditions;



DEPARTMENT PROCEDURES BY NUMBER

8. Easy and economical lens replacement system;
9. Adjustable temple length and lens inclination;
10. Meets NSI Z87+ and CSA Z94.3 standards.

**4.23.3 UTILIZATION OF PROTECTIVE EYEWEAR**

A. Firearms Range – officers will bring the issued safety glasses to the range each time they are to qualify with a firearm. Follow all range rules regarding the use of safety glasses while at the range.

B. Routine Patrol – officers must carry the protective eyewear with them in the patrol vehicle for the duration of each patrol shift as required by OSHA. It is recommended the clear lens be installed for patrol use.

C. Recommendations for Patrol Usage – While it is impossible to protect against all potential injuries and exposures, the Department has a responsibility to assist you in that endeavor. With this in mind, there are situations that more often than not, may present the potential for eye injury or exposure to airborne pathogens. The Department, therefore, offers these guidelines for the use of protective eyewear while on patrol:

1. *Very strong recommendation* for usage under the following circumstances or dispatched call types:

- a. Stabbings – elevated potential for blood exposure;
- b. Shootings - elevated potential for blood exposure;
- c. Fights – elevated potential for blood exposure and higher incidence of impact injury to eye;
- d. Emotionally Disturbed Persons – elevated potential for airborne pathogens including bodily fluids of all types;
- e. Any call type where Taser or pepper spray may be deployed.

2. *Strongly recommended* for usage under the following circumstances or dispatched call types:

- a. Chemical or biological threats – elevated potential for unknown substances to enter the eye;
- b. Traffic control at accident scenes – elevated potential for dust and debris to be kicked up by passing motorists;
- c. Building clearance – elevated potential for dust, debris and other unknown hazards to impact facial area;
- d. Dog track – elevated potential for injury to eye due to unanticipated environmental conditions including trees, weeds, wires, hanging objects, insects, etc.
- e. Foot pursuit – elevated potential for injury to eye due to unanticipated environmental conditions including trees, weeds, wires, hanging objects, insects, etc

Carla C. Piluso  
Chief of Police

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4.24 SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

**4.24.1 PURPOSE**

A. To ensure the safety of those residing, working in and visiting our community; this procedure is established to set guidelines regarding sex offender registration and community notification of non-supervised and any predatory sex offenders who will be residing in the City of Gresham.

B. Upon request from the Oregon State Police (OSP), the Gresham Police Department will notify the community when a non-supervised sex offender or a predatory sex offender is planning to move into the City of Gresham, and the Department is notified of the planned move.

DEPARTMENT PROCEDURES BY NUMBER

**4.24.2 COMMUNITY NOTIFICATION (NON-SUPERVISED AND PREDATORY SEX OFFENDERS)**

A. Normally, OSP will provide community notification of non-supervised and predatory sex offenders who will be or are currently residing in our community. However, upon request from OSP, the Department may assist with community notification.

1. Predatory Offender – A news release and written flyer containing the following information about the sex offender will be prepared:

- a. Name, age and description; and
- b. Residence; and
- c. Vehicle information; and
- d. Legal status; and
- e. Special conditions; and
- f. Target victims; and

The flyer shall be distributed in a minimum three-block radius around the residence where the offender will be residing. Other agencies and organizations which may be notified shall include but are not limited to schools, churches, parks, convenience stores, business establishments, apartment complexes and other places where people frequent.

2. Non-Supervision Offenders – a news release and written flyer containing the following information about the sex offender will be prepared:

- a. The offender's name
- b. Date of birth
- c. Address
- d. Physical description
- e. Photograph
- f. Crime of conviction

**DO NOT** release information to the public regarding victims, method of operation, profiling information; or make predictions about future risks.

**4.24.3 RELEASE OF SEX OFFENDER INFORMATION TO THE PUBLIC (SUPERVISED OFFENDERS)**

A. The Department is authorized to release information on adult and juvenile offenders to the public. Upon request, the following information shall be released regarding these offenders:

1. Adult Offenders On Supervision – Information regarding adult offenders on supervision is also public information but is restricted to:

- a. Offender's name
- b. Date of birth
- c. Physical description
- d. Photograph
- e. Crime of conviction

Any further requests regarding the address of the offender or potential persons at risk should be forwarded to the supervising official.

## DEPARTMENT PROCEDURES BY NUMBER

2. Juvenile Offenders On Supervision - Information regarding juveniles on supervision is limited to:

- a. Offender's name
- b. Date of birth
- c. Physical description
- d. Crime of conviction

Any further requests regarding the address of the offender or potential persons at risk should be forwarded to the supervising juvenile correction officer.

### 4.24.4 REGISTRATION

A. OSP has been designated as the central repository for registration information on sex offenders; therefore, completed sex offender registration forms will be forwarded to OSP. NOTE: Sex offender registration forms must be signed by the offender to be considered completed

B. Sex offenders convicted of a registerable sex crime in Oregon who meet one of the requirements for mandatory lifetime registration must:

1. Report in person to their supervising official or law enforcement agency no later than ten days after discharge or release from jail, prison or other corrections detention facilities; or
2. Report in person no later than ten days after release or placement on probation; or
3. Report in person no later than ten days after parole or discharge to the State of Oregon from another state.

required to report to law enforcement or their supervising agency, in person:

1. Within ten days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and within ten days of a change in work, vocation or attendance status at an institution of higher education.
2. Persons who move into the state and attend school or obtain employment at an institution of higher education must report within 10 days of the first day of school or the 14th day of employment. Thereafter, they have to report after any change in school attendance or employment.

By statute, "attends" means is enrolled on a full or part-time basis; "institution of higher education" means a public or private educational institution that provides a program of post-secondary education; "works" or "carries on a vocation" means full or part-time employment for more than 14 days within one calendar year whether financially compensated, volunteered or for the purpose of governmental or educational benefit.

E. Juvenile offenders may petition for relief from reporting requirements within 90 days from the termination of the court's jurisdiction.

F. Adult and juvenile offenders who are no longer on supervision and move to Oregon from another state or jurisdiction (after September 9, 1995) are required to register with law enforcement. In order to qualify for registration they must meet **one** of the following special conditions:

1. The offender has been convicted of a sex crime with the same elements as a sex offense requiring registration in Oregon. Conviction dates DO NOT matter.
2. The offender was required to register in another state for having been convicted of a sex crime in that state. EXAMPLE: An offender moved here from another state where they were required to register for adultery; they

#### DEPARTMENT PROCEDURES BY NUMBER

would be required to report for registration in Oregon. Even though adultery is not a crime requiring registration in Oregon, this offender would still have to report for registration.

G. If a sex offender, who meets the conditions outlined in F. above, fails to report for registration, the offender may be charged with the crime of failing to complete an initial registration with law enforcement, which is a C felony, providing the following elements are established:

1. The offender has knowledge of the Oregon registration requirements.
2. The offender moved here on or after September 9, 1995.
3. The offender has failed to register within 10 days from the day he established residency in Oregon.

**NOTE:** Sex offenders, who moved to Oregon before September 9, 1995, **DO NOT** have to register.

H. Persons living in another state, but working in Oregon must report after 14 days of employment in a calendar year. This group of offenders must report their residence while they are working in this state. If they are commuting to Oregon from another state, they must list their out-of-state residence. If they are living temporarily in this state because of their employment, they must register their temporary Oregon residence. These offenders must also list their employer. If they change employment regardless of a change of residence, they must report within 10 days. The registration procedures for this group of offenders are the same as for in-state offenders. These offenders are also subject to the same penalties as in-state offenders.

#### 4.24.5 REGISTRATION PROCEDURE

A. By law (ORS 181.595 – 181.599) a person required to report **must** provide the information necessary to complete the sex offender registration form. Failure of the offender to provide complete and accurate information is a class A misdemeanor.

##### C. Records Responsibility

1. Check Wants/Warrants and LEDS/NCIC; and
2. Make copy of offender's proof of address and photo ID and provide it with all wants/warrants and LEDS/NCIC information to the responding officer, and
3. Mail the **original** form, photo, proof of address and fingerprint card (if applicable) to the Oregon State Police Sex Offender Registration Unit.
4. If the registration is completed on a hard copy Sex Offender Registration form, send an AM message (as soon as possible) to the Sex Offender Registration Unit. This step can be eliminated if registration is completed electronically.

D. **Officer Responsibility** – Registration may be completed through one of the following methods:

##### **Hard Copy Registration**

1. Verify type of registration—*i.e.* initial, annual or address change.
2. **Fingerprint the offender if they do not have an OR SID number.**
3. Take photographs of the offender (this must be done in order to complete registration; failure to comply is a class A misdemeanor) as follows:

## DEPARTMENT PROCEDURES BY NUMBER

The photographs should be downloaded via the card reader located in the Desk Officer area.

4. Complete all the questions listed, have the offender review and **sign**, in blue ink, the completed form.  
**NOTE:** If the offender fails to sign the form he has failed to complete the registration process which is a class A misdemeanor.
5. Provide the offender with the yellow copy proving they have completed their registration.
6. Forward the remaining original and copies to Records for distribution

### **Electronic Registration**

NOTE: All officers wishing to utilize the electronic sex offender registration system through <https://xn.osp.state.or.us/sor/> must obtain a user name and password by completing and submitting the "User Authorization Form" (Appendix A).

1. Verify type of registration—*i.e.* initial, annual or address change.
2. **Fingerprint the offender if they do not have an OR SID number.**
3. Take photographs of the offender (this must be done in order to complete registration; failure to comply is a class A misdemeanor) as follows:

The photographs should be downloaded via the card reader located in the Desk Officer area.

document in blue ink;  
follows:

E. If the offender fails to sign the registration form, **DO NOT** furnish the offender with a copy; they have failed to complete registration.

F. OSP **WILL NOT** change the record information in LEDS until they have a copy of the registration form signed by the offender.

### **4.24.6 ENFORCEMENT OF SEX OFFENDER REGISTRATION**

A. Offenders who have knowingly failed to comply with the provisions set forth under section 4.24.4 of this procedure should be arrested and charged with Failing to Register as a Sex Offender.

B. Check LEDS to see if a signed SOR is on file (Signed Form/Y). This serves as proof that the offender knew of the requirement to register. If the LEDS hit displays Signed Form/N, there is no form on file. Even if there is no signed form, if the offender admits that they knew they were required to register, you can still arrest them for failing to comply with the registration law. Offenders should be arrested and charged with ORS 181.599, Failing to Register as a Sex Offender.

C. Additional inquiries may be made by contacting the OSP Sex Offender Registration Unit.

D. Arrest of Supervised Offenders

1. Persons under supervision have restrictions and conditions for supervision. The offender may not be committing a new crime, but may be violating a condition of parole/probation. Always advise the parole officer

DEPARTMENT PROCEDURES BY NUMBER  
of the contact.

E. Arrest of Non-supervised Offenders

1. There are no conditions or restrictions for non-supervised sex offenders. If a sex offender is in contact with minors and you do not have a new crime call the Department of Human Services. They may be able to assist in removing the children from the offender's presence.

**4.24.7 FEES**

A. The Department will not be responsible for collecting fees assessed a registrant. Provisions for payment of annual fees will be made by OSP.

Craig Junginger  
Chief of Police

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4.27 FIREARM PROCEDURES 4.27

**4.27.1 PURPOSE**

A. It is the purpose of this policy to provide officers with guidelines associated with the use, maintenance, and safety of agency-authorized firearms and the qualification requirements related to them.

B. Guidelines covering the discharge of firearms are included in General Order 4.6 (Use of Force) [\\alpha1\\_lan\cog\Police\Dept Procedures\04 CRITICAL TASK G.O. Chap 4\4.06 Use of Force.doc](\\alpha1_lan\cog\Police\Dept Procedures\04 CRITICAL TASK G.O. Chap 4\4.06 Use of Force.doc)

**4.27.2 POLICY**

A. Unless otherwise prohibited, all on-duty police officers shall be armed with a fully loaded Department approved firearm. The firearm carried while on-duty shall conform to the specifications and approval procedures herein described, unless otherwise approved by the Chief of Police. All qualifications, and any Department sponsored firearms training as described within this section, shall be administered by certified firearms instructors. This policy shall apply to all full-time Police Officers and Reserve Police Officers.

B. Department members, who are NOT officially authorized to carry a firearm in furtherance of their duty, shall NOT carry a firearm on, or in, City property, per Gresham Administrative Rule, Article 3.30 (<http://citynet/departments/ocm/gars/gars28.htm>). Violator's will be subject to disciplinary action.

C. In accordance with State and Federal statutes, persons with a conviction for Domestic Violence are prohibited from carrying or possessing any firearm. To ensure compliance, the office of the Chief of Police will perform a criminal records check on all officers, annually.

B *Primary service handgun*: The firearm authorized and issued by the Gresham Police Department to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plainclothes officers.

C. *Backup handgun*: Any authorized handgun other than the primary service handgun that is carried in addition to the primary service handgun in an authorized concealed manner.

## DEPARTMENT PROCEDURES BY NUMBER

D. *Firearms qualification*: Periodic testing required of officers to determine their competency and proficiency to carry authorized firearms.

### 4.27.4 Specifications of Firearms

1. Officers when on-duty shall carry only authorized firearms.
2. Only ammunition that has been approved by the Gresham Police Department shall be used in authorized firearms.
3. Only sworn officers who have successfully passed firearms qualification, proficiency standards, and demonstrate the appropriate knowledge of the Department Use-of-Force policy shall be authorized to carry a firearm.
4. The primary service handgun shall be carried in accordance with uniform and related requirements and as otherwise specified by this policy.
5. Officers shall be issued fresh duty ammunition in the specified quantity for all authorized firearms during the officer's first scheduled qualification each year. When needed in accordance with established policy, the armorer shall dispense replacements for defective or depleted ammunition.
6. Officers on special assignment and other officers with a genuine need may request written authorization from the Firearms Sergeant to carry alternate service firearms, backup firearms, or alternate ammunition on an ongoing or periodic basis.

#### B. Primary Service Handguns

1. The standard Department issued duty firearm is the .40 caliber Glock, Model 22, or Model 23. Exceptions may be made for special circumstances as authorized by the Chief of Police. Each officer will be issued one primary duty handgun.
  - a. In accordance with the Collective Bargaining Agreement between the Gresham Police Officers' Association (GPOA) and the City of Gresham, Officers hired prior to July 1, 1997 may continue to carry a personal (privately owned) firearm on-duty if they desire. Officers wishing to do so must have complied with the following:
    - 1) Submit a memorandum to the Chief of Police stating their intent to do so.
    - 2) The officer must agree to be solely responsible for maintenance and repair of the weapon.
    - 3) If at any point in the future, the officer wishes to carry a different firearm, they shall then be required to carry a Department issued firearm.
  - a. Officers shall qualify with their primary service handgun each time they attend and attempt the Department qualification course with a firearm carried as their primary firearm.
  - b. All officers are required to qualify with their primary duty firearm and attend any mandated proficiency training.
  - c. Officers who fail to meet the minimum score will be given one additional opportunity to qualify during that testing period.
  - d. Officers who fail a second time during the testing period will be required to schedule themselves to attend the next remedial firearms training session as directed by the Firearms Sergeant.
  - e. All weapons will be inspected and maintained by an armorer before qualification. Any weapon deemed unserviceable will be taken out of service and the officer will be issued a replacement weapon. If the weapon can be repaired, a qualified armorer will repair the weapon and return it to the officer.

## DEPARTMENT PROCEDURES BY NUMBER

### C. Backup Handguns

- -
- a. All officers are required to qualify and show proficiency with their backup firearm before carrying it.

### D. Off-Duty Handguns

1. An off-duty handgun is a firearm that an officer may carry while under the scope of ORS 166.260 <http://www.leg.state.or.us/ors/166.html>. This in no way dictates the type of personal weapon officers may own or utilize for recreational activities.
2. Officers may, but are not be required to, carry an authorized firearm while off duty. But officers shall be required to carry an authorized firearm when in uniform or when operating a marked patrol vehicle whether on or off duty.
3. Backup and off-duty firearms shall be carried concealed when the officer is in plain clothes or in uniform unless:
  - a. The officer is in the workplace and the officer's badge is prominently displayed next to the firearm
  - b. The officer is engaged in law enforcement actions that may reasonably require quick access to the firearm, and the officer's badge is prominently displayed near the weapon; or
  - c. The officer is engaged in activities where it would be permissible for a citizen to carry an exposed firearm, such as in hunting or target practice.
4. When armed, whether on or off duty, officers shall carry their badge and agency identification.

### E. Special Purpose Firearms

#### **4.27.5 SPECIFICATION FOR HOLSTERS**

##### A. Uniform Duty Holsters

1. Uniformed officers will be required to carry their primary duty firearm in one of the following types of holsters, which will be provided by the Department.
  - a. Bianchi
  - b. Safari land
2. Officers may purchase, at their own expense, and use a level II or level III safety holster from one the of the following manufacturers:
  - a. Bianchi
  - b. Safari land
  - c. Uncle Mikes

##### B. Non-Uniformed Duty Holster

1. Non-uniformed officers will carry their duty firearm in a thumb break type holster or a holster/pack made by one of the following:
  - a. Bianchi
  - b. Safari land
  - c. Uncle Mikes



DEPARTMENT PROCEDURES BY NUMBER

- d. COPPS
- e. Galco

2. Any other type of holster/pack must be pre-approved by the Firearms Sergeant, or their designate, prior to use.

C. Backup Holster

1. Officers will carry their secondary firearm in one of the following styles of holsters:

- a. Ankle holster
- b. Vest holster

- 1. Off-duty Officers are expected to carry their firearm in a holster that provides concealment and security.
- 2. Officers who choose not to utilize a holster will be responsible for ensuring their firearms are carried in a safe and secure manner.

**4.27.6 SPECIFICATIONS FOR DUTY AMMUNITION**

**4.27.7 CARRYING, Loading, and CONTROL of Duty Handguns**

A. Unless otherwise approved by the Chief of Police, all officers whose duties require them to be armed, will be armed or have immediately available, an approved firearm during their duty hours.

B. Carrying of Firearms

- a. The Red Clearing Barrel located at the North end of the Police Building.
- b. The Department Armory.
- c. Areas designated by the Range Master when at training.

- a. Unloading of firearms.
- b. Loading of firearms.
- c. Checking firearms for loaded condition prior to going on shift.

**4.27.8 FIREARMS INSPECTIONS**

A. When requested by a supervisor, armorer, or a firearms instructor, officers will make available any primary or backup handgun for an inspection anytime without notice. Prior to inspection, the firearm will be unloaded in the designated loading/unloading area. Any weapon found defective in operation, safety, or cleanliness will not pass inspection. Such defect will immediately be reported to the officer's immediate supervisor. The officer will

#### DEPARTMENT PROCEDURES BY NUMBER

be required to clean the weapon and present it for inspection prior to reporting for or continuing duty.

B. Officers shall see that their authorized firearm(s) are maintained in good working order. They are responsible for the proper care and cleaning of their firearm(s) to ensure they are operational at all times.

#### **4.27.9 MANDATORY QUALIFICATION AND TRAINING WITH FIREARMS**

A. Range qualifications will be conducted semi-annually unless excused by the Chief of Police. An officer must achieve a passing qualification score at each training session. A Lead Instructor will designate all qualification, training, and proficiency courses. Training and qualifications shall be conducted by Department Certified Instructors.

B. Qualification

5. Officers assigned to specialist functions, investigators, and administrators will qualify in attire as close to or similar to what is worn on-duty.

7. Qualification and proficiency with an officers primary service weapon is mandatory for employment. Therefore, it is imperative officers remain proficient by practicing off-range drills as well as on-range firing. Non-qualification scores illuminate an overall lack of proficiency and will be addressed as soon as possible. All qualification failures will be reported to the Firearms Sergeant. Every officer has a responsibility to the public and fellow officers to be proficient in firearms handling skills and should always strive to improve or maintain to the level of excellence.

C. Non-Qualification (Primary Service Weapon Only)

1. If an officer fails a cold qualification during a testing period and they qualify on the second attempt, they must complete a cold qualification within 30 days.

2. If an officer fails two cold qualifications, they will be automatically assigned to the soonest available remedial training and relieved from duty where a weapon is required to be carried.

3. Officers assigned to remedial training for a cold qualification failure will have two more attempts at cold qualifications before they will be referred to the Office of the Chief of Police for an Internal Affairs Investigation. Officers will have eight hours of individual training with a firearms instructor before each qualification. This is only for officers who have attended and successfully completed the Oregon Police Academy or equivalent training.

#### **4.27.10 FIREARMS PROFICIENCY**

A. All officers required to carry a firearm must maintain a qualifying score for that firearm. Minimum proficiency is a condition of employment for officers who must carry a firearm in the performance of their duties. Scores resulting from each officer's training and qualification performances will be recorded and placed in the individual's training files.

B. Proficiency

1. Firearms proficiency consists of firearms qualification, proper manipulation and handling of firearms, and firearms safety.

2. Minimum qualifications to carry a firearm either on or off-duty shall be established by the Firearms Staff and will be based on the nature of the courses. Certification of qualification shall be made in writing by the Lead Instructor and shall become a part of the officer's training file.

## DEPARTMENT PROCEDURES BY NUMBER

3. Officers must demonstrate to an armorer or Lead Instructor that they are proficient at manipulating the mechanical functions of each of the duty firearms they carry.
4. Officers must meet all proficiency requirements and qualification standards for each of the authorized firearms they are issued or required to use.
5. All officers shall be required to qualify using additional proficiency standards established by the department. These include, but are not limited to proficiency testing at night and in reduced light situations, combat simulation, and using both strong and weak hands.

### C. Failure to Meet Proficiency Requirements

1. Any officer failing to achieve the minimum qualification, firearms proficiency, or in violation of the firearms safety rules, will be immediately relieved from those duties that require the carrying of firearms until they are able to attain a minimum qualifying score.
2. The Lead Instructor will notify the Firearms Sergeant of any officer failing to achieve the minimum qualifying score.
3. Any officer unable to achieve the minimum required qualifying score will be assigned remedial training.
4. The officer will be required to attend the next available qualification session to retest.
5. Retesting will be arranged through the Firearms Sergeant and the Lead Instructors.

## 4.27.11 FIREARMS SAFETY RULES

A. The "Cardinal Safety Rules" will be adhered to at all time when officers are handling weapons on or off-duty. Although these rules are directed toward safe firearms training, they also apply anytime a weapon is removed from the holster. Although safety rules may vary from range to range the following Range Safety Rules will be adhered to during all training requiring the use of firearms, unless they directly contradict the safety rules of the range being used. The Lead Instructor will be responsible for notifying all officers of the particular range safety rules during mandatory firearms training.

### B. Cardinal Safety Rules

### C. Range Safety Rules

1. A certified police firearms instructor must properly and adequately supervise all firearms training. The firearms instructor will have authority over all action at the range.
2. Strictest discipline must be maintained. Carelessness cannot and will not be tolerated during firearms training.
3. While at the range, firearms will be unloaded or loaded only in an area and at a time designated by a firearms instructor. KEEP IT HOLSTERED.
4. Immediately on picking up a firearm, open the cylinder or action, remove magazine, and check to see that it is unloaded...check it again.

## 4.27.12 Firearms Safety Violations

A. As in the case of any other safety violation, violations of firearms safety will be reported to an officer's immediate supervisor.

DEPARTMENT PROCEDURES BY NUMBER

- B. Range Safety Violation: Any Safety Violation that occurs during firearms training.
  
- C. General Safety Violation: Any safety violation involving a firearm during the normal course of duty.
  - 1. Any individual who observes a safety violation will notify their supervisor.
  - 2. The supervisor will investigate the incident and attempt to correct the problem.
  - 3. If the supervisor is unable to correct the problem then the supervisor will forward a written summary and recommendation of the incident to the Section/Division Commander.

Carla C. Piluso  
Chief of Police

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4.27.01 FIREARM COORDINATORS

**4.27.1-1 PURPOSE**

A. The Purpose of this order is to assign duties and responsibilities for the overall coordination of the Gresham Police Department firearms program, the duties and responsibilities of Department Armorer, the duties and responsibilities of Department Range Master, and access to the Department armory. The only changes to this order will be made by the Chief of Police or her designate.

**4.27.1-2 ORDER**

A. The following members are assigned duties and responsibilities for the overall coordination of the Gresham Police Department firearms program:

- 1. Lieutenant David Lerwick
- 2. Sergeant Jim Peninger

B. The following members are assigned duties and responsibilities of Department Armorer:

- 1. Officer Ron Rowley
- 2. Officer Matt Clay
- 3. Officer William Smith
- 4. Officer Brandon Norbury

C. The following members are assigned duties and responsibilities of Department Range Master:

- 1. Officer Jason Servo
- 2. Officer Scott Hogan

## DEPARTMENT PROCEDURES BY NUMBER

D. Only the Department members mentioned above will be issued a key and the access code, and are allowed unaccompanied access to the Department armory. Anyone not mentioned above must be accompanied by an authorized individual when entering the armory.

Carla C. Piluso  
Chief of Police

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### 4.27.03 DUTY WEAPONS

#### **4.27.3-1 PURPOSE**

A. The purpose of this Special Order is to provide specific authorization for sworn personnel assigned to Administrative duties and the Investigations and Services Division, to carry the Glock Model 26, 9mm pistol or Glock Model 27, .40-caliber pistol, while on duty, as a primary firearm.

#### **4.27.3-2 DEFINITIONS**

1. Administrative Personnel – Command officer, i.e. Chief of Police, Captains and Lieutenants.
2. Investigations Division Personnel –sworn personnel assigned to the Investigations Division.
3. Services Division Personnel – sworn personnel assigned to the Services Division.

#### **4.27.3-3 ORDER**

A. Unless otherwise approved by the Chief of Police or designee, Administrative Personnel and Investigations and Services Division sworn personnel authorized to carry a firearm on duty shall be armed with a weapon meeting the following specifications:

Investigations and Services Division sworn personnel may purchase their own Glock Model 26, 9mm parabellum or Glock Model 27, 40-caliber pistol for duty use,. a. Officers will be solely responsible for the maintenanc and repair of personal weapons.

#### **4.27.3-4 QUALIFICATIONS AND TRAINING**

DEPARTMENT PROCEDURES BY NUMBER

Carla C. Piluso  
Chief of Police

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4.27.04 AMMUNITION APPROVED

**4.27.4-1 PURPOSE**

**4.27.4-2 PROCEDURE**

Carla C. Piluso  
Chief of Police

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4.27.05 LEAD EXPOSURE

**4.27.5-1 PURPOSE**

**4.27.5-2 DISCUSSION**

**4.27.5-3 DEFINITIONS**

A. Action Levels (AL): Employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 ug/m<sup>3</sup>) averaged over an eight-hour period.

B. Exposure Monitoring: Monitoring exposure of lead concentrations that occur when the employee is not wearing a respirator.

C. Lead: Metallic lead, inorganic compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

D. Permissible Exposure Limits (PEL): Lead concentration exposure less than fifty micrograms per cubic meter of air (50 ug/m<sup>3</sup>) averaged over an eight-hour period.

**4.27.5-4 EXPOSURE MONITORING**

1. The City will obtain monitoring for the initial determination of possible lead exposure levels. This may be limited to a representative sample of the exposed employees who the Risk Manager reasonably believes are exposed to the greatest airborne concentrations of lead.

2. Within five working days after the receipt of the monitoring results, Risk Management shall notify each

#### DEPARTMENT PROCEDURES BY NUMBER

employee in writing of the results that represent that employee's exposure.

3. Whenever the monitoring results, without regard to respirators, exceeds the permissible exposure limit; Risk Management shall prepare a written notice to all affected employees that the permissible limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

1. If there are any changes in work place practices that may result in new or additional exposure to lead, or whenever the Department Head or Risk Manager has any other reason to suspect a change which may result in exposures to lead, additional monitoring will be completed in accordance with OAR 2Z, 1910.1025 Lead Exposure.

#### **4.27.5-5 WORKPLACE EXPOSURE TO LEAD**

1. All firing ranges where ammunition is being spent/fired by handguns, rifles, shotguns, or other defined weapon.

#### **4.27.5-6 SAFE WORKPLACE PRACTICES WHEN WORKING AROUND LEAD**

A. Whenever employees are working with lead containing material, or performing processes that may release airborne lead, the following safe workplace practices will be observed:

1. No eating, drinking, chewing, or smoking while working with lead containing materials;
2. Employees will wash their hands before eating, drinking, chewing, or smoking after working with lead containing materials;
3. Gloves may be available for use by employees while working with lead containing materials; and as directed by Department procedures, especially when police department staff are picking up spent cartridges at the firing range;
4. Supervisors and Employees will review material Safety Data Sheets (MSDS) so that employees will have knowledge of lead containing materials.

#### **4.27.5-7 RECORDKEEPING**

1. The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;
2. A description of the sampling and analytical methods used and evidence of their accuracy;
3. Name, employee number, and job classification of the employee monitored and of all other employees, whose exposure the measurement is intended to represent; and
4. Environmental variables that could affect the measurement of employee exposure.

#### **4.27.5-8 TRAINING**

1. Hygiene practices to reduce exposure to lead contaminate;
2. Review of the procedures concerning lead exposure, workplace safety practices;

DEPARTMENT PROCEDURES BY NUMBER

3. Review of health concerns related to lead exposure; and
4. Distribution of OAR 2Z, 1910.1025 Lead, Appendix A and Appendix B.

Carla C. Piluso  
Chief of Police

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4.28 NEWBORN INFANT SURRENDER

**4.28.1 PURPOSE**

- A. To establish a procedure for the initial assumption of physical custody of a surrendered newborn infant.

**4.28.2 STATUTE**

- A. ORS 418.017 <http://www.leg.state.or.us/ors/418.html>

- B. ORS 163.535 <http://www.leg.state.or.us/ors/163.html>

**4.28.3 DETAILS**

- A. Oregon law allows a parent to leave a newborn infant, at any time, with no prior notice, at a hospital, doctor's office, birthing clinic, **police station**, fire station, sheriff office, or county health department if:

C. Per ORS 418.017, "...A city, county or other political subdivision of this state that operates a sheriff's office, police station or fire station that receives an infant under this section is immune from any criminal or civil liability that otherwise might result from the actions taken by its employees or agents in receiving the infant."

- D. The law allows us to make a good faith estimate of the infant's age. However, per ORS 163.535, if a parent surrenders an infant that is obviously over 30 days old to "under 15 years of age," the parent may be charged with child abandonment, a Class C felony.

**4.28.4 PROCEDURE**

- A. Any Department member is authorized by law to receive a surrendered newborn infant.

- B. Because a parent is not required to disclose any information about the parent(s) or infant, universal precautions should be utilized at all times, when handling surrendered newborn infants.

1. BOEC shall be notified to initiate the following actions:

2. If the parent is still on the premises, provide them with "A Safe Place for Newborns" packet. A supply of these packets will be kept in the Report Writing room and the Records Section of the Department.



DEPARTMENT PROCEDURES BY NUMBER

proceed with the following steps:

b. Ask the parent to fill out the voluntary health questionnaire about the infant and leave it with the receiving Department member; however, the parent may take the questionnaire with them.

later than 24 hours after receiving the infant (see S.O. 4.28.1-02).

(Appendix 4.28A).

custody of the infant.

Incident Report.

Craig Junginger  
Chief of Police

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4.28.1 NEWBORN INFANT CONTACT NUMBERS

**4.28.1-1 CONTACT NUMBERS**

A. The following are designated contact numbers for CHS Child Welfare Offices for Multnomah County and surrounding jurisdictions:

- - **503-731-3100 (Hotline)**
- 
- 

Craig Junginger  
Chief of Police

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4.29 SHOTGUN PROCEDURES

**4.29.1 PURPOSE**

A. The purpose of this General Order is to provide a single source of reference for all Department members as to training, safe carrying and authorization for use of Department shotguns.

- - **DEFINITIONS AND TYPES**

1. Shotguns are a Department approved shotgun that is capable of delivering standard 12 gauge shotgun rounds. Shotguns will be of 12 gauge, slide action type, manufactured by one of the following:

- a) Remington
- b) Winchester

1. Less-Lethal shotguns are a Department approved shotgun that is capable of delivering standard "lethal" 12

#### DEPARTMENT PROCEDURES BY NUMBER

gauge shotgun rounds, but is intended to fire only "less-lethal sub-munitions". Less-lethal shotguns will be of 12 gauge, slide action type, manufactured by one of the following:

- a) Remington
- b) Winchester
- c) Mossberg

2. Less-lethal Shotguns will be marked with yellow tape around the tactical light, pistol grip, and butt stock; to differentiate them from standard shotguns.

#### ▪ **SHOTGUN LOADING AND HANDLING**

- A. The shotgun safety will be on at all times when the weapon is not being used.
- B. When in a police vehicle, the shotgun will not have a round loaded in the chamber, and will be locked in its holder when not in use.
- C. A round will only be loaded into the chamber of the weapon outside the police vehicle in anticipation of the weapon's imminent use.

D. The round will be removed from the chamber immediately after the situation which necessitated the shotgun being loaded is resolved.

E. Except when anticipating the imminent use of the shotgun, employees will inspect the weapon to ensure that the safety is on and there is no round loaded in the chamber when:

- 1. Checking out a shotgun from the gun locker
- 2. Taking the shotgun out of its locked holder
- 3. Receiving a shotgun from another person

F. If the shotgun is found to have a round in the chamber, the employee will move to a safe location and unload the weapon.

1. At the Gresham Police Department a firearms unloading barrel is present, and the shotgun will be unloaded in the barrel.

G. All rounds will be removed from the shotgun and the weapon's action left open when it is turned in.

H. Shotguns/less-lethal shotguns returned to the police facility will be unloaded, action open, pointed in an upward direction with the muzzle held above the head of the tallest person present. Or if the shotgun/less-lethal shotgun is slung, then it will be unloaded, action open, pointed towards the ground.

I. Shotguns/less-lethal shotguns will be stored in the weapons locker with the action open, weapon on safe.

#### **4.29.4 SHOTGUN USE**

A. Whenever use of the shotgun is anticipated, officers will ensure that they have a clear field of fire. Officers must be especially mindful of the potential danger to innocent bystanders, occupants of nearby buildings, and traffic if the weapon is employed in congested areas.

B. In addition to the above directives, employees who are issued shotguns will carry them in the trunk of their vehicle if the vehicle is not equipped with a locking shotgun holder, unless imminent use of the shotgun is anticipated.

#### **4.29.5 SHOTGUN SECURITY**

A. Shotguns will be removed from any vehicle that is taken out of service, i.e., preventative maintenance,

DEPARTMENT PROCEDURES BY NUMBER

repair, etc.

D. Shotguns will be stored separately from less lethal shotguns.

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▪ **QUALIFICATIONS**

A. Only officers who have qualified with a shotgun during the last calendar year or the last qualification period will be allowed to take a shotgun on patrol.

B. Only officers who have been selected, trained, and have qualified, during the last qualification period, will be allowed to take a less-lethal shotgun on patrol.

C. Officers issued a shotgun will qualify annually.

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▪ **INSPECTIONS**

A. When requested by a supervisor, Armorer, or firearms instructor, officers will present a shotgun as follows for an inspection.

Carla C. Piluso  
Chief of Police

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4.30 PATROL RIFLE

**4.30.1 PURPOSE**

The purpose of this General Order is to provide a single source of reference for all officers Department members as to training, safe carrying and authorization for use of department authorized patrol rifles.

**4.30.2 POLICY**

Only officers who are trained and qualified in the use of the Gresham Police Department's patrol rifle are authorized to carry and deploy this weapon. This policy is intended to be consistent with, and a component of, the Department policy on the Use of Deadly Force.

**4.30.3 DEFINITIONS**

A. *Patrol Rifle*- The patrol rifle will be a .223 caliber, magazine fed, gas operated, semi-automatic, carbine, manufactured by COLT. The patrol rifle may also be equipped with a "red dot" ACOG or Aimpoint Reflex sight, or the factory installed iron sights, a "redi-mag," or a tactical light.

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▪ **MODIFICATIONS**

No modifications may be made to department issued patrol rifles without the written consent of the Firearms Sergeant.

**4.30.5 PROGRAM ELIGIBILITY AND ASSIGNMENT**

A. Participation in the patrol rifle program is a voluntary assignment unless a sergeant or above deems an immediate operational need for that resource.

B. Officers must have successfully completed 2 years of experience after graduation from the Basic Police Academy to be eligible for assignment to the patrol rifle program. Basic Academy's outside Oregon is acceptable.

C. The selection process is as follows:

1. When openings exist or are anticipated, there will be an announcement sent over the "Police Sworn Officers" email distribution list for interested officers to submit their names to the Firearms Sergeant.
2. The Firearms Sergeant, Lead Instructors, and Patrol Rifle Instructors will make the selection from the list of officers submitting their names. Selections will be based on several factors including, but not limited to: Current assignment, shift assignment, prior firearms performance, physical ability.
3. This list of names will then be submitted to the Firearms Program Coordinator for approval.
4. Officers selected will be notified by the Firearms Sergeant and receive a training order from the Training Division regarding the Basic Patrol Rifle Training.
5. Complete the Training Course and requirements.

**4.30.6 GENERAL RIFLE HANDLING**

A. The rifle will be "safe" at all times unless the officer is on target and has decided to shoot.

B. The rifle will not have a round loaded in the chamber when in a police vehicle, and will be locked in its holder or stowed in its carrying case in the trunk when not in use.

C. A round will only be loaded into the chamber of the weapon outside the police vehicle in anticipation of the weapon's imminent use "Tactical Condition."

D. Except when anticipating the imminent use of the rifle, officers will inspect the weapon to ensure that the safety is on and there is no round loaded in the chamber when:

1. Checking a rifle out from an authorized police weapons storage facility or locker.
2. Taking the rifle out of its locked holder or Department approved carrying case.
3. Receiving a rifle from another person.

E. If the rifle is found to have a round in the chamber, the employee will move to a safe location, point the muzzle in a safe direction and unload the weapon.

- a. The red clearing barrel located at the north end of the police department.
- b. The Department Armory.
- c. Areas designated by the Lead Instructor when at training.

## DEPARTMENT PROCEDURES BY NUMBER

- a. Unloading of firearms.
- b. Loading of firearms.
- c. Checking firearms for loaded condition prior to going on shift.

F. Patrol rifles returned to the police facility will be unloaded, bolt locked to the rear, magazines removed, pointed in an upward direction with the muzzle held above the head of the tallest person present. Or if the patrol rifle is slung, then it will be unloaded, bolt locked to the rear, magazines removed and pointed in a downward direction.

G. The rifle will be placed in "Storage Condition" before it is turned in or stored.

### **4.30.7 RIFLE DEPLOYMENT**

A. Recommended Use. Below are guidelines for deploying with a rifle. The officer will be responsible for justifying their decision to deploy with a rifle in any given set of circumstances. This does not replace justifications pursuant to General Order 4.6 (Use of Force).

1. Where greater accuracy is desired which cannot be achieved with a handgun or shotgun.
2. Incidents in which a suspect or suspects are heavily armed.
3. Incidents in which a suspect or suspects are wearing body armor.
4. Incidents where there is lack of appropriate cover within acceptable ranges near the threat for the use of a handgun or shotgun, indicating the need for greater accuracy.
5. To provide containment at a safer distance while awaiting arrival of the S.W.A.T. Team.

B. Rifle Use:

1. Whenever use of the rifle is anticipated, officers will ensure that they have a clear field of fire. As with any other firearm, officers must be especially mindful of the potential danger to innocent bystanders, occupants of nearby buildings, and traffic if the weapon is used in congested areas.

### **4.30.8 RIFLE SECURITY**

A. Vehicles:

1. Rifles will be removed from any vehicle prior to being taken out of service.
2. Vehicles with electronic locks shall not be left unattended without first removing the ignition key.
3. Vehicles with manual locks shall not be left unattended without first removing the rifle lock key.

B. Department

1. Officers will secure their rifle in the designated secured rifle storage space in the police facility. Rifles in lockers will be secured in "storage condition". Rifles in vehicles will be "patrol car ready".

C. Training

1. Officers will take their rifles to firearms training.

a. An officer must receive approval from the Firearms Coordinator before attending any rifle training outside of Department training.

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### **▪ QUALIFICATIONS**

A. Qualification

## DEPARTMENT PROCEDURES BY NUMBER

1. The Patrol Rifle Lead Instructor shall establish the qualification standards and proficiency-training curriculum. Qualification standards are minimum scores established by the Department. Currently officers must accumulate at least 90 points and have all rounds in the scored area of the target (3-5 point range).
2. Officers shall qualify with their Department-issued patrol rifle at least once annually. Officers must attend at least 8-hours of in-service training each year to remain qualified.
3. Those who fail to meet the minimum score will be given one additional opportunity to qualify during that session.

### B. Failure to Qualify

1. Officers failing to qualify with their patrol rifle are responsible for attending remedial training, if a range is available for the department to utilize. This training will be coordinated by the Patrol Rifle Lead Instructor.
  - a. Officers are not authorized to carry the patrol rifle for duty use until successful completion of the rifle qualification and proficiency is demonstrated.
3. Generally, qualifications are held semi-annually. If an officer fails to qualify during their testing period twice, they are removed from the rifle program. However, exceptions may be made if the officer is able to attend remedial training as dictated by the Patrol Rifle Lead Instructor and passes a cold qualification upon completion before the end of the training cycle.

### 4.30.10 FIREARMS INSPECTIONS

A. When requested by a supervisor, Armorer, or firearms instructor, officers will present a patrol rifle as follows for an inspection. Prior to inspection, the firearm will be unloaded in the designated loading/unloading area. Any weapon found defective in operation, safety or cleanliness will not pass inspection. Such defect will immediately be reported to the officer's immediate supervisor. The officer will be required to clean the weapon and present it for inspection prior to reporting for or continuing duty.

B. The officer must inspect the patrol rifle to ensure that it is clean, loaded, and in proper working order.

C. An inspection of the patrol rifle will be conducted prior to the officer taking the weapon on shift by the following guidelines:

1. The patrol rifle will be inspected only at a designated loading/unloading area.
2. The patrol rifle will be checked to ensure that the weapon is clear, and there is no round in the chamber, prior to inspecting or conducting a functions check.
3. The patrol rifle will be checked for cleanliness and functioning.
4. After checking the patrol rifle, the bolt will be released, locking it into the forward position; then both magazines may be locked into the magazine wells.
5. If there is a functional/mechanical problem with the patrol rifle it will be red tagged and placed into the weapons locker with a written explanation of the problem. The information will then be forwarded to a Department Armorer who will ensure that the patrol rifle is repaired prior to the weapon being returned to service.

Carla C. Piluso  
Chief of Police

## DEPARTMENT PROCEDURES BY NUMBER

### 4.31 SPECIALTY IMPACT MUNITIONS

#### 4.31.1 POLICY

A. The purpose of this order is to identify the conditions under which officers may deploy and use less lethal impact munitions.

#### 4.31.2 KINETIC ENERGY PROJECTILES

A. This department is committed to reducing the potential for dangerous confrontations when suspects are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury.

B. Kinetic energy projectiles, approved by the Department, are fired from specially designed and provided as 12GA and 37/40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

#### 4.31.3 DEPLOYMENT

cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

#### 4.31.4 EXAMPLE OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

the subject:

#### 4.31.5 DEPLOYMENT CONSIDERATIONS

#### 4.31.6 DEPLOYMENT DISTANCES

deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

#### 4.31.7 SHOT PLACEMENT

risk of causing serious injury or death. The head and neck should not be intentionally targeted when deadly force is not reasonably justified.

minimum deployment distances and target areas. However, any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

#### 4.31.8 APPROVED MUNITIONS

deployed.

#### 4.31.9 USE OF KINETIC ENERGY PROJECTILES BY SUPERVISORS

normally be carried in the trunk of each supervisor unit.

## DEPARTMENT PROCEDURES BY NUMBER

it is in proper working order and loaded with approved projectiles only.

devices and shall consider the following:

course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification course demonstrating proficiency with the weapon and knowledge of this department's Use of Force policy.

personnel using the various devices.

or obtain any medical aid required. With any use of physical force where an injury has occurred or is alleged, the officer should observe and evaluate, obtain medical aid, notify a supervisor and document the incident.

Craig Junginger  
Chief of Police

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### 9.11 DEATH INVESTIGATION

#### 9.11.1 PURPOSE

#### 9.11.3 PROCEDURE

A. Patrol personnel will respond to all suspicious, accidental or unattended natural deaths. All deaths will be investigated and documented unless the death is natural and attended by a physician, or occurs in a long-term care facility.

B. When death is under suspicious circumstances as a result of violent criminal acts or suicides, in-custody deaths, or suspicion of foul play, **the officer shall**:

1. Immediately request the shift supervisor respond to the scene--the shift supervisor will contact the Investigation's supervisor;
2. Secure the scene and use caution so as not to disturb any obvious or latent evidence;
3. If, in the exceptional circumstance of a fire and the deceased's body has to be moved, officers will note the exact place and position of the body as well as any other pertinent information;
4. Exclude all unauthorized persons from the scene;
5. Identify witness(es) and if necessary, isolate them from the contact of others;
6. Obtain the identifying information of witness(es) and obtain initial statements;
7. During interviews, inquire as to the deceased's medical history, recent state of mind, financial status and



#### DEPARTMENT PROCEDURES BY NUMBER

persons with whom the deceased has had recent conflict;

8. The responsibility for the investigation will be assumed by investigating detectives upon their arrival;

9. If the death appears to be the result of violent criminal acts, in-custody deaths, or foul play, ALL responding officers shall complete and submit their report(s) prior to the end of duty.

10. If the death appears to be the result of suicide, only the initial responding officer must complete and submit the required report(s) prior to the end of duty.

C. Under normal circumstances, when death occurs in a Long Term care facility, the officer will NOT respond unless specifically dispatched to do so. However, in the event that an officer is dispatched to a call at a Long term care facility, procedures as outlined under 9.11.3 A. 1. through 8. above shall be followed.

D. When death is from natural causes while in residential care the officer shall:

1. Notify the shift supervisor of the nature of the call;

2. Immediately notify the Medical Examiner's office and make contact with the on-duty Medical Examiner—the Medical Examiner will either respond to the scene or authorize the release of the remains to a mortuary;

a. if there is evidence the deceased was terminally ill and under a physicians care, enrolled in a hospice program or they provided written medical directives to survivors indicating "DNR" (Do Not Resuscitate), and circumstances are consistent with that information, the officer should not investigate further;

b. If there is indication that a DNR or other advanced directive exists, the officer shall confirm existence prior to departing the scene.

3. The deceased should NOT be left unattended; therefore, officers shall remain on-scene until the arrival of the Medical Examiner or officials from the designated mortuary.

a. If the deceased is left in the care of a family member, care provider or other person in charge, and if authorized by the Medical Examiner, officers may leave the scene prior to the arrival of the Medical Examiner or mortuary officials.

b. This information, to include the name of the person remaining with the deceased, shall be included in the officer's report.

4. The responding officer shall complete and submit all report(s) prior to the end of duty.

E. Accidental or workplace deaths

1. Accidental deaths will be evaluated on a case-by-case basis with the on-duty supervisor to determine if detectives should respond.

2. Workplace deaths, due to accident, require investigation, by statute. Occupational Safety and Health Administration (OSHA) representatives shall be notified as soon as possible (coordinated with, or completed by the Medical Examiner).

3. The responding officer shall complete and submit all report(s) prior to the end of duty.

#### **9.11.4 NOTIFICATIONS**

A. Family notification will generally be the responsibility of the Medical Examiner, unless a request is made otherwise to assist in this duty.

Carla C. Piluso  
Chief of Police

DEPARTMENT PROCEDURES BY NUMBER

9.24 COMMUNITY CARETAKING

**9.24.1 PURPOSE**

A. To establish basic criteria for responding to requests for community care-taking services such as the delivery of emergency messages and conducting welfare checks.

**9.24.2 DISCUSSION**

A. While some requests for service received may not be of a strictly law enforcement nature, the Department recognizes that they still constitute a legitimate law enforcement function.

**9.24.3 MESSAGE DELIVERY**

B. Non-Emergency Messages – Officers shall decline to deliver messages that are not of an emergency nature, but merely serve as a convenience. However, an officer may deliver messages that may not fall under the direct criteria of “emergency messages” if case load permits and the officer determines that delivery of the message would further the interests of community safety.

**9.24.4 WELFARE CHECKS**

1. Prevent Serious Harm – Welfare checks often require the officer to respond to incidents of reportedly suicidal, depressed, or mentally unstable individuals who may pose a threat to themselves or others.

**9.24.5 PUBLIC UTILITIES AND SERVICES SUPPORT**

A. If a responding officer or supervisor determines that the situation is beyond the ability, scope, training, or equipment of the police to deal with, the officer should request support from the utility or resource most capable of assisting, i.e. Fire Department assistance, street or highway departments, etc.

Carla C. Piluso  
Chief of Police

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10.01 OBTAINING CRIMINAL COMPLAINANT

A. To establish a procedure for obtaining criminal complaints and the delivery of reports to the Circuit Court and/or District Attorney’s Office.

**10.1.2 ASSIGNMENT OF COMPLAINT COORDINATOR**

A. Patrol Division

1. The Community Safety Specialists or designees will be assigned as “Complaint Coordinators” and will

DEPARTMENT PROCEDURES BY NUMBER

deliver report copies and sign complaints for Patrol.

B. Investigations Division

1. Investigation Division members will be responsible for delivery of their case copies and to sign related complaints.

2. An investigator may request that a Class C Felony or a traffic case be delivered by the on-duty Community Safety Specialist.

**10.1.3 COMPLAINT COORDINATOR DUTIES**

A. Deliver report copies in advance of citation court appearance dates.

1. Custody cases will be delivered prior to arraignment which occurs at 1400 hours the next court day following the arrest.

B. Telephone or visit the designated court each week day to determine if complaints need to be signed.

**COMPLAINTS**

A. It will be the responsibility of the reporting officer who completes the investigation to insure that all documents, statements, and other related material are included in the package prepared for presentation to the court.

**10.1.5 CITIZEN CRIMINAL COMPLAINTS**

A. Misdemeanor Cases

1. When the testimony of civilian witnesses is required to prove an element of the crime, it is necessary that the civilian sign the complaint.

2. Members will inform citizen complainants of this requirement and provide them with a copy of the form "Information for Complainants and Crime Victims" (Appendix A).

3. Members will insure that the citizen understands the requirements set forth on the form.

Bernard A. Giusto  
Chief of Police

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10.04 COURT MESSAGES / SUBPOENAS

**10.4.1 PURPOSE**

## DEPARTMENT PROCEDURES BY NUMBER

A. To provide guidelines concerning court related activities, to include scheduling, notification and verification of subpoenas and court availability.

A. State statutes allow for service of criminal and civil case subpoenas to designated individuals in a police agency. The Gresham Police Department's "designated individual" is the court coordinator. The court coordinator may accept subpoenas served in person, by mail or via the Portland Police Data System (PPDS). Subpoenas served in the aforementioned manner are legally served. Verification of appearance via PPDS/MDT still applies to served subpoenas. Members shall make every attempt to comply with the subpoena requirements or follow appropriate procedures to seek an excusable absence, or they may be held in contempt of court for non-appearance and/or be subject to Department discipline.

B. The Records Section is the only unit authorized to respond to subpoenas for police reports. Members receiving subpoenas for reports will immediately forward the subpoena to the Records Manager.

C. The Administration Division is the only unit authorized to respond to subpoenas for general orders, internal affairs information and other Department wide policy and procedure information. Members receiving subpoenas for this type of information will immediately forward the subpoena to the Administrative Supervisor.

D. The court coordinator(s) cannot accept service of civil summons or civil complaints that are not employment related. Personal service is required for these subpoenas.

### **10.4.3 SUBPOENAS: CRIMINAL AND TRAFFIC COURT**

A. Members shall treat subpoenas, summons and court appearance notices for criminal and traffic court as official notice and documentation mandating court appearance.

B. These notices will generally be communicated via PPDS/MDT. However, there will be times when a subpoena may be personally served (i.e. short notice defense subpoenas). When such personal service takes place, members should forward the subpoena to the court coordinator.

C. Sworn members must check their court schedule through PPDS/MDT, every working day. Most of the time members will not receive a hard copy subpoena; what is on the PPDS/MDT screen is the trial notification and schedule.

D. After 1700 hours the day prior to a scheduled court appearance, members may verify the court appearance requirement through PPDS/MDT.

1. Members who are not on duty may check for court appearance information by using the recorded message (503.618.2672) after 1700 hours.

2. If the recorded message is not working, members may call the Records Section and ask that their PPDS record be accessed by the on duty Police Records Specialist. Police Records Specialists may confirm the status of court for the following day. They will also notify the court coordinator that the recorded message was not operational.

E. Court unavailability requests

#### DEPARTMENT PROCEDURES BY NUMBER

5. Unavailability due to training or Department related travel will be coordinated by the Training Unit with the Court Coordinator (see section 10.4.5 below).

6. Short notice of unavailability for court (thirty days or less), unless unavailability is due to being placed on administrative leave, an on-the-job injury, or a family emergency, requires a member to:

a. Complete a Notification of Court Unavailability Request; and

b. Notify the court coordinator by telephone; and

c. Access PPDS, look up the extension of each subpoena clerk who has sent a subpoena for the time period of unavailability, call them and ask for a set-over. (The prefix to the DA's office is 988 plus the last 4 numbers on the court schedule.)

F. Illness: If an illness will impede court attendance, notify the court coordinator as soon as possible, during regular business hours. If not during regular business hours, contact Records Section personnel who will then prepare the required DAR, documenting the call-in and advise the court coordinator.

G. Traffic Court: Members are responsible for initiating set-overs for traffic court. To request a set-over a member must complete a Court Unavailability Request and forward it to the court coordinator a minimum of 30 days in advance of the scheduled court date. Most traffic court cases can be subpoenaed as much as three months before the trial date. The earlier the set-over request is made, the greater the likelihood it will be granted. The court coordinator will document the set-over request in PPDS.

resulting from prior law enforcement employment as a police or corrections officer. The City is not required, nor will the City be obligated to pay any overtime, per diem, lodging, mileage or travel time for appearances in court resulting from prior employment with another law enforcement agency.

be allowed to do so, on duty time, if it falls within their normal work schedule. With a minimum of seven days notice, the member may request their work hours be adjusted to "Morning" shift hours for the expected duration of the court appearance. The notice shall be made to the member's lieutenant or designee. If the notice is less than seven days from the date of the hearing, the City is not obligated to adjust the member's hours of work. Travel to and from the hearing during work hours will count as hours worked.

C. The City agrees to provide the member's normal salary in the event that an on-duty employee is subpoenaed as a witness, providing the witness fees are turned over to the City. Compensation is limited to actual time spent in court and travel time to and from court. The member shall return to duty if their shift has not been completed.

#### **10.4.5 MEMBER'S SUPERVISORS RESPONSIBILITIES**

1. Becomes disabled on the job.

2. Takes emergency leave.

3. Is placed on administrative leave (i.e. traumatic incidents, shooting, etc.).

#### **10.4.6 ADMINISTRATIVE SUPERVISOR RESPONSIBILITIES**

#### **10.4.7 TRAINING OFFICER RESPONSIBILITIES**

## DEPARTMENT PROCEDURES BY NUMBER

A. Upon receipt of an approved "Training Request" and/or "Out of State Travel Request" the training officer or designee will immediately notify the court coordinator, giving the member(s) name(s) and date(s) for which training has been approved. Provide the court coordinator with a complete listing of department scheduled training dates and participants at least 30 days prior to the scheduled training.

Craig Junginger  
Chief of Police

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### 11.3 CITIZEN ISSUED COMPLAINTS

#### 11.3.1 PURPOSE

A. Occasionally, police officers are contacted by private citizens who have witnessed a traffic violation and wish to prosecute the violator. This procedure will facilitate prosecution by the citizen.

#### 11.3.2 PROCEDURE

A. As in any investigation of a statute violation, officers must ensure that probable cause exists to believe that a violation has occurred and that a particular person committed the offense.

B. If a citizen complainant provides adequate information to enable successful prosecution and requests to sign a complaint, an officer will:

1. Fill out a UTC in the normal manner, using the defendant's name and address.
2. Leave the spaces for complainant's signature, date of signature, and court date blank.
3. Provide the complainant with the defendant's name and the citation number and instruct them to go to the Circuit Court Office at 150 W. Powell, Gresham, to sign the complaint. At least 3 business days should be allowed for the citation to reach the court.
4. Attach a Special Report with complainant information briefly detailing the issuance of the citation.
5. Turn in the UTC and the Special Report in the usual manner so it can be forwarded to Circuit Court.

C. The Circuit Court will mail the defendant his copy of the citation and schedule the court date.

#### 11.3.3 MAJOR TRAFFIC OFFENSES

A. Nothing in this procedure is intended to preclude officers from making probable cause arrests of suspects in cases involving a major traffic offense.

Carla C. Piluso  
Chief of Police

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### 13.16 MISSING PERSONS INVESTIGATIONS

#### 13.16.1 PURPOSE

DEPARTMENT PROCEDURES BY NUMBER

A. The purpose of this policy is to establish responsibilities and guidelines for the investigation of missing persons.

A. It shall be the policy of the Gresham Police Department to investigate all missing person reports. This agency considers every person reported as missing to be "at risk" until information to the contrary is established.

circumstances in this jurisdiction, GPD will initiate the required reporting process.

1. An adult may be declared missing when his or her whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable persons as highly unusual or suspicious in consideration of the subject's behavior patterns, plans, or routines.

2. Immediately upon notification by a parent, guardian or other responsible person that a child's whereabouts are unknown, that child shall be treated as a missing person.

### 13.16.3 DEFINITIONS

A. The term "**missing adult**" includes a person who is:

B. The term "**missing child**" includes a person who is:

responsible person.

C. The term "**unusual circumstances**" refers to:

1. A missing child 13 years of age or younger.

2. A child or an adult who is missing and believed to be in one or more of the following circumstances:

a. Out of the zone of safety for his/her age and physical and mental condition; and/or and/or welfare.

shall be taken:

the report of a missing child or adult, the person will be considered **at-risk**. including the Amber Alert system should be activated.

D. The term "**Initial Responder**" as utilized in this procedure means first officer at the scene of an reported missing person.

### 13.16.4 PROCEDURES

A. Initial Responder Responsibilities - The initial responder assigned to the report of a missing person shall be responsible for:

seen.

missing person.

physical and mental state.

Protective Services should be notified.

information if determined to be an abduction.

Communications for broadcast updates.

DEPARTMENT PROCEDURES BY NUMBER

telephone, and/or a pager.  
completed and the appropriate computer entries made in state and national  
databases, *i.e.* NCIC.

missing person shall be responsible for:

in the investigation.

person shall be responsible for:

investigations. The Lead Investigator should maintain routine contact with the missing person's closest  
relative(s) or other designated person concerning the progress of the investigation.

E. If a missing person has not been located within 30 days, the Lead Investigator should attempt to obtain a  
DNA sample. Additionally, if not already available, an attempt should be made to obtain the doctor and  
dentist's names and contact numbers (see Appendix B).

responsible for:

the subject of a missing person investigation.

permissible, the whereabouts and contact information of the person located.

additional resources.

or other violation, the child should be returned to his parent, guardian, or appropriate children's facility.

### **13.16.5 RECOVERY OF MISSING CHILDREN**

questioning of the child should be completed by CARES before s/he is reunited with the family.

child shall be notified in a timely manner.

previously contacted for assistance will be notified and updated.

record greatly increases the possibility of positive identification of the missing person or their remains. These  
supplemental data elements are critical to successful computer matching of missing person records with NCIC  
unidentified deceased person records. Medical and dental information is also important when trying to identify  
persons who may be unconscious, incoherent, or who refuse to correctly identify themselves. Agencies  
investigating missing persons cases must attempt to obtain and subsequently enter medical and dental  
information into missing person records within 60 days following system entry. To facilitate compliance with  
the mandated timeline, attempts to obtain the medical and dental information will occur if the missing person  
has not be located within **30** days.

medical and dental information for the purpose of identifying missing persons and to enter such information in  
files maintained for that purpose. ORS 146.184 requires dentists, denturists, physicians, optometrists and/or  
other medical practitioners to provide appropriate medical and dental information when requested in writing by  
a police agency.

D. Upon return of the medical and dental information, the Lead Investigator will forward a copy to the Records  
Section for required data entry.

must be matched to DNA known to be from the victim or the victim's relatives. Thus, it is necessary to collect



DEPARTMENT PROCEDURES BY NUMBER

DNA samples from family members and from personal items or prior medical specimens from the victim.

C. GPD detectives may utilize the mitochondrial DNA analysis capabilities of the University of North Texas laboratory. DNA collection kits are available through the Property Room.

Craig Junginger  
Chief of Police

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14.05 FOUND PROPERTY

A. The purpose of this procedure is to establish options, beyond storage at the Department, for individuals attempting to report or turn-in found property

**14.5.2 DEFINITION**

A. Found Property – Items which are the property of an individual, firm, agency, or concern and are not evidence or contraband.

**14.5.3 PROCEDURE**

A. Seized or Turned in Property - Property seized by the Gresham Police Department, or turned in to the Department's Property Room by a citizen, must fit into one of the following categories:

1. Purse or wallet
2. Currency
3. Dangerous weapon
4. Controlled substances/drugs/drug paraphernalia
5. Any item found on public or private property that is considered suspicious and/or possibly linked to a crime

property.

a. It should be suggested that the finder run an ad in the local newspaper (however, this is not required per ORS 98.005).

2. If the finder does not choose to exercise finder's rights, they should be advised to donate the property to a person or organization of their choosing, or dispose of the property through the appropriate means.

3. No reports are required.

D. Property valued at more than \$100 - The following actions shall occur if the property is valued at more than \$100:

finder's rights they may do so per ORS 98.005 – the following actions shall be taken:

a. Advise finder that within **10 days**, they are required to give notice of finding to the County Clerk of the county in which the goods or money was found, and

b. Advise finder that within **20 days**, they are required to advertise the finding in a newspaper with general circulation, once each week for two consecutive weeks.

c. The finder should be advised that If they fail to comply with requirements as stated above, they will be liable.

DEPARTMENT PROCEDURES BY NUMBER

- d. Give the finder a copy of ORS 98.005 (Appendix A).
  - e. Write a special report to include the fact that the “finder will be exercising finder's rights” and forward a copy to the property room.
  - f. Advise finder that the property officer will monitor this and notify them if the owner is located.
  - g. If the owner does not appear to establish ownership within three months after the date of notice to the County Clerk, the finder may claim the goods or money.
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DEPARTMENT PROCEDURES BY NUMBER

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